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Y Cymmrodor.

VOL. XXVI. "CARED DOETH YR ENCILION."

1916.

The King's Court of Great Sessions in Wales.¹

BY W. LLEWELYN WILLIAMS, K.C., M.P.,

Recorder of the City of Cardiff.

CONTENTS.—*Introduction* (p. 1); i. *Jurisdiction of the Court of Great Sessions* (p. 6); ii. *Officers of the Court* (p. 34); iii. *Statutory Changes* (p. 47); iv. *Relations with other Courts* (p. 62); v. *Abolition of the Court of Great Sessions* (p. 74); vi. *The Records* (p. 83); vii. *Authorities on Welsh Practice* (p. 85).

INTRODUCTION.

WHEN Parliament decided in the reign of Henry VIII to extend the laws and constitution of England to the Principality of Wales, the prospect that awaited the experiment was gloomy and uncertain. It was easy to ordain that the Lord Chancellor should appoint Justices of the Peace for the eight ancient counties of the Principality and for the Palatine County of Chester "to the intent that one Order of ministering of his Laws should be had observed and used in the same as in the other places of this Realm of England is had and used";² but it required no little daring to introduce the system into Wales. In a document among the State Papers the King was warned as late as 1538 not to appoint Justices for the three ancient counties of North Wales (viz., Anglesea, Carnarvon, and Merioneth), for they would be dangerous,

¹ The substance of this paper was delivered before the Honourable Society of Cymmrodorion at 20, Hanover Square, in July 1911. Chairman: The Right Hon. D. Lloyd George, M.P.

² 27 Hen. VIII, c. 5.

partiality would increase, the inhabitants were poor and quarrelsome, and most of the gentlemen were "bearers of thieves and misruled people".¹ If in the Welsh "shire-ground" where the law had been administered by the King's Justices for two centuries and a half, the appointment of Justices of the Peace was viewed with dismay, what could be expected to happen in the rest of the unhappy country where, according to Bishop Rowland Lee, President of the Council of the Marches, there were "very few Welsh in Wales above Brecknock who have £10 in land, and their discretion is less than their land".² Yet the Act of Union (27 Hen. VIII, c. 26) contemplated a still further extension of the experiment, for many of the Lordships Marcher, where hitherto the King's writ did not run, were added to "the eight ancient counties", so as to constitute the geographical area known as Wales and Monmouthshire, and in all of the added area Justices of the Peace would have to be appointed. Hallam has quoted, with pardonable indignation, the description given by Sir Thomas Smith³ of the attempts made by the Tudors to curtail the independence of Trial by Jury,— "the standard record of primeval liberty".⁴ In Wales and the Marches the partiality of juries in cases of felony and murder had become so notorious that in 1534 an Act of Parliament was passed which roundly stated that juries had been "suborned to acquit divers murderers, felons, and accessories", and enacted that if such a jury acquitted a felon or murderer, contrary to good and pregnant evidence, the Judge might bind them to appear before the President and Council of the Marches, who were

¹ Gairdner, *S. P.*, Hen. VIII, xi, 453.

² *S. P.*, Hen. VIII.

³ *Commonwealth of England*, book iii, c. i.

⁴ Hallam's *History of England*, p. 49 (1871 ed.).

authorised to commit them to prison.¹ In at least two instances Bishop Rowland Lee, as President of the Council, put the Act into operation. In 1538, he informed Cromwell that a Cheshire grand jury “had found murders to be manslaughters and riots to be misbehaviours”, and had been sent to prison “for their lightness”.² On another occasion a Gloucestershire jury were “cessed good fines” for misbehaviour in a Welsh abduction case.³ Yet it was at this period, when the sanctity of Trial by Jury was being invaded by the high-handed interference of the Star Chamber and the brow-beating of the Judges,—and in the case of Wales and the Marches by Statute—that the system was extended to the most disturbed and lawless portions of what is now known as the Principality of Wales. It was little wonder that Bishop Lee was distracted at the prospect. He was convinced that the time was not opportune for the great experiment which had been sanctioned by Parliament. “By the Common Law things so far out of order can never be redressed” he said, in a sentence which summarised the absolutist doctrine of Tudor and Stuart statesmen.⁴ “If one thief shall try another” he protested, “all we have begun is foredone.”⁵ Even as late as April 11, 1540, in the very last of his extant letters to Cromwell, he protested against Denbigh-land being transformed into “shire-ground”.⁶

As if to render the issue still more precarious, the Government associated the experiment with revolutionary innovations. Wales was probably the most Catholic part of the King’s dominions; the numerous monastic houses

¹ 26 Hen. VIII, c. 4.

² *Letters and Papers*, Hen. VIII, July 17, 1538.

³ *Ibid.*, Feb. 28, 1538.

⁴ *S. P.*, Hen. VIII, vol. xiii, pt. i, 1411.

⁵ *Ibid.*, x, 454.

⁶ Gairdner, *S. P.*, xv, 494.

were the homes of Welsh poetry and letters, the nursing-ground of Welsh culture;¹ but the old faith was banished and the religious houses dissolved. The Act of Union, while according to Wales Parliamentary representation and equal laws with England, made English the official language, though Welsh was almost universally spoken throughout Wales and the Marches, and it entirely abolished Welsh laws and usages. Chapuys, the Imperial Ambassador, spoke of the distress among the Welsh, "from whom, by Act of Parliament, the King has just taken away their native laws, customs, and privileges, which is the very thing they can endure least patiently". The substitution of the English law of primogeniture for gavelkind, and of the English for the Welsh system of land tenure, brought home the meaning and effect of these changes to every household. In addition to these difficulties, which in themselves might well have seemed to Henry's Ministers to be insurmountable, there was the serious drawback of a lack of uniformity in legal administration. "The Palatinates (of Glamorgan and Pembroke) were governed by the laws and customs of England; the Marches by the *lex et consuetudo Marchiae*";² the old "shire-ground", consisting of Anglesea, Carnarvon, and Merioneth in North Wales, and Cardigan and Carmarthen in South Wales, were administered, as far as might be, as

¹ See, e.g., "Hen Gwndidau", by Hopeyn and Cadrawd, which teem with allusions to the loss sustained by the bards through the dissolution of the monasteries. Lleision Cradoc bewails the destruction of Margam Abbey in the following striking stanzas (pp. xx, xxi):

"Margam, gwae ni am ergyd—a gavas	I 'ble 'dda Bardd hardd ei hird dysg—bellach
Mae gofal yn aethlyd,	E ballodd nawdd i'n mysg.
Doe bu myned a'i hywyd,	Trwm ar ein iaith yw'r trymysg.
—Diffodd gardd y ffydd i gyd!	Trais rhyfedd a diwedd dysg."

² Henry Owen's *English Law in Wales*, p. 17.

if they were English counties, though a modicum of Welsh laws and customs had been preserved by the Statutum Walliae; Flintshire was connected in some loose and indefinite way with Cheshire; while, in the rest of Wales, which was neither shire-ground nor palatinate nor marcher-land, the old Welsh laws and customs continued, though they naturally tended to become more and more vague and corrupt. It was in order to evolve order out of chaos, to introduce uniformity into the administration of the law, and to enforce the innovations which were brought about in the latter years of Henry VIII, that the Act 34 and 35 Hen. VIII, c. 26, was passed in 1542. It was entitled "An Act for certain ordinances in the King's Dominion and Principality of Wales". It gave to Wales her present geographical limits, and her divisions into shires; it recognised in terms and regularised the position of the Council of the Marches, a prerogative court which had maintained a fitful existence since the reign of Edward IV;¹ but its main object and purpose was to set up the Court which for nearly three hundred years expounded and administered, and on the whole with striking success, the new English laws—the King's Court of Great Sessions in Wales.²

¹ For an exhaustive account of the Council of the Marches, see Skeel's *Council of the Marches*.

² The question as to who was responsible for Henry VIII's policy towards Wales has been discussed in the writer's *Union of England and Wales*, pp. 67-71, where the claims of the king himself, Thomas Cromwell, and Sir John Price are brought under review. "It is remarkable", says Oldnall Russell (*Practice*, Intro., p. xxvii), "that the person by whom this Statute (of 1542) was framed or introduced into Parliament is not known. The author of the Obs. and Stat mentions the names of some persons who, from their character and situation, might have been disposed to such a work: but he mentions them merely as conjectures, and states that the Principality must ever remain ignorant of their greatest benefactor."

(i) JURISDICTION OF THE COURT OF GREAT SESSIONS.

The Act of 1542 has been described "as containing a most complete code of regulations for the administration of justice, framed with such precision and accuracy, that no one clause in it hath ever yet occasioned a doubt, or required an explanation".¹ The Courts of Great Sessions which were set up were invested with ample powers to administer the English laws then for the first time introduced into Wales. They were directed to hold all manner of pleas of the Crown "in as large and ample a manner" as the Court of King's Bench in England, and also to hold Pleas of Assizes and all other pleas and actions, real, personal and mixed "in as large and ample a manner" as the Court of Common Pleas.² They were also given complete criminal jurisdiction over offences "of what natures, names, and qualities soever they be", and generally "to minister common justice to all and singular the King's subjects . . . according to the laws, statutes, and customs of the Realm of England, and according to this present Ordinance".³

The addition of the words "according to the present Ordinance" was rendered necessary by the fact that some of the legal proceedings in the Courts of Great Sessions were directed to be carried on after the manner and form which had been before that time used in North Wales. By Sec. 27 of the Act of 1535, which is generally known as

¹ *Russell's Practice of the Carmarthen Circuit*, Intro., p. xxvii, citing *Observ. on the Stat.*, 514.

² Sec. 12.

³ Sec. 13. "After the passing of the Act in 1542 little time was lost by the judges in setting to work, for, to quote an instance, Judge Pakyngton was appointed to the office by patent on June 28, and sat to hear Pleas at Brecknock on 10 July following"; *Williams's Welsh Judges*, p. 15.

the Act of Union between England and Wales, it was enacted

“that immediately after the prorogation or dissolution of this present Parliament, the Lord Chancellor of England shall direct the King’s Commission under his Grace’s Great Seal to such persons as to him shall be thought convenient to enquire and search out, by all ways and means that they can, all and singular laws, usages, and customs used within the said Dominion and Country of Wales; and the same shall return and certify to the King’s Highness, and his most honourable Council, before the said Feast of All-Saints next coming; and that upon deliberate advice thereof had and taken, all such laws, usages, and customs as the King’s Highness and his said most honourable Council shall think expedient, requisite, and necessary to be had, used, and exercised in the before rehearsed Shires, or any of them, or in any other Shire of the Dominion or County of Wales, shall stand and be of full strength, virtue, and effect, and shall be for ever inviolably had used and executed in the same Shires, as if this Act had never been had or made.”

The delegation of Parliament’s legislative powers to the Privy Council was a conscious imitation of the policy of Edward I towards Wales. Edward had

“caused to be rehearsed before us and the Nobles of our Realm the laws and customs of those parts (*i.e.*, the Principality of Wales) hitherto in use: which being diligently heard and fully understood, we have, by the advice of the aforesaid Nobles, abolished certain of them, some thereof we have allowed, and some we have corrected; and we have likewise commanded certain others to be ordained and added thereto.”¹

¹ The Statute of Wales, Sec. I. In another regard the framers of the Act of 1542 followed the precedent of 1284. The concluding words of the Statute of Wales provided that “so notwithstanding that whensoever and wheresoever, and as often as it shall be our pleasure, we may declare, interpret, enlarge, or diminish the aforesaid Statutes, and the several parts of them, according to our mere will, and as to us shall seem expedient for the security of us and of our land aforesaid”. Sec. 119 of the Act of 1542 conferred similar powers on the King. It enacted that the King’s “most Royal Majesty

Nothing is known of the Commission, its personnel, or its work. It is almost certain that it was appointed, and that it reported to the Council. According to a statement in Rowland's *Mona Antiqua*, copies of the proceedings of the Commissioners were deposited in both the Chamberlain's and Auditor's offices, of North Wales, and Sir William Gruffydd of Penrhyn caused them to be transcribed by one Jenkyn Gwynn. They were intituled "The Extent of North Wales." Whatever may have been the nature of the Report, it is certain that it was not favourable to the preservation of Welsh laws and customs. With some exceptions, which will be discussed later on, the forms and methods of English legal proceedings were followed in the Courts of Great Sessions. The practice was assimilated to that obtaining in the Courts at Westminster. The pleadings continued, down to the last days of the Court, to be settled in Court, as was the custom in England at the time. The differences in the practice and constitution of the Welsh and English courts were few and insignificant. They were due in the main to the fact that the Court of Great Sessions was a strictly local jurisdiction, and its procedure was necessarily adapted to the needs of the Principality.

(1) The Court did not sit during the four legal terms,

shall and may, at all times hereafter, from time to time, change, alter, order, minish, and reform all manner of things afore rehearsed, as to his most excellent wisdom and discretion shall be thought convenient; and also to make Laws and Ordinances for the common wealth and good quiet of his Dominion of Wales and his subjects of the same, from time to time, at his Majesty's pleasure". This power was never exercised by Henry VIII or his successors, but it was none the less jealously regarded by the constitutionalists of a later age. It was alleged that these dispensing and legislative powers were granted to Henry VIII personally, and did not extend to his successors (Coke, 4 Inst., 240). But they were abolished by an express act of the legislature, 21 James I, c. 10.

as the Courts did at Westminster. Ss. 5 and 14 of the Act of 1542, enacted that the Courts of Great Sessions should be held twice a year, and that

“every of the said Sessions shall be kept and continued by the space of six days in every of the said shires at either of the said times, as is or hath been used within the said shires of North Wales, and that the said Justices shall cause open Proclamations to be made in the shire-towns, what time they purpose to keep their said Sessions, fifteen days at the least before they keep the same.”

This provision was never varied. The Sessions were kept in each county town twice a year “about the times of spring and autumn,” in pursuance of writs of summons, made out by the prothonotary, tested by the Chief Justice of the Circuit, and directed to the sheriffs of the Counties within the jurisdiction.¹ Each Session lasted six days, but it was held that they were not necessarily six successive days.² The date of the Sessions was fixed, as Borough Sessions are still fixed, by the presiding Judge. Some dissatisfaction was occasionally expressed at the way the Judges used this power. They were practising barristers in the English courts, and were sometimes inclined to fix their Courts, not merely in the vacation, but at times inconvenient to suitors and jurors in order to serve their own convenience.³ But no com-

¹ *Foley's Practice*, p. 6; *Russell's Practice*, c. ii.

² *Cresswell v. Vaughan*, 2 Saund., 41.

³ George Owen in his *Dialogue of the Government of Wales* (p. 116) complains of the “inconvenience in keeping the Great Sessions of one terme of the Counsell of the Marches yearlie in Lent, which you say is a hindrance to the thrift of the Countreie, and . . . poor husbandmen do most complaine of this, whose complaint for the most parte is heard last of all others.” In a MS. book of precedents of pleading kept, it is thought, by Sir Erasmus Williams of Llwynwormood, in the County of Carmarthen, now in the writer's possession, there is a curious indictment dated March 31, 1708. “The Grand Jury of the Great Sessions for Carmarthenshire present Philip Neve, Sergeant-at-law, and

plaint on this score was made to the Committee which inquired into the condition of the Courts in 1817-1821.¹

How the six days were used in the earlier years there is no means of knowing. It would appear from the language of Sec. 2 of 18 Eliz., c. 8 (the Act which authorised the appointment of a second judge to each Welsh Circuit), as if the Courts were not only busily occupied, but were increasing in popularity.² Nevertheless, the evidence which is available during the latter existence of the Courts of Great Sessions would seem to show that the six days allotted were, in most cases, too many, though in Carmarthen³ and in Chester the time, if anything, would be too short for the volume of the work to be transacted. When it is remembered that there were two courts sitting during the week, it is clear

senior Judge of the Circuit, for having on the 1st March then instant at Abergwilly arbitrarily and illegally appointed this present Session for the County to be held on Wednesday (which according to the usual custom used to be held on Saturday night or on Monday morning and continued for the residue of the same week) and which being in Passion week is not only to the high displeasure of Almighty God when all good Christians should be exercised in the discharge of their duty and service to God . . . but also a great let and hindrance to His Majesty's subjects suitors in the said Court and a great delay of justice for by these means His Majesty's subjects cannot begin and have the effect of their suits in any one Great Session, but must of necessity be retarded to the next ensuing Great Sessions which is near the space of one whole year."

¹ Unless a solitary statement by W. E. Taunton, of the Carmarthen Circuit, may be held to amount to such a complaint. "The time of holding the Great Sessions" he said "has fluctuated according to the convenience of the Judges or the bar."

² Sec. 2, "And for that many great and weighty causes, matters, questions, demurrers, and ambiguities in Law do thereupon daily arise, increase, and are like daily more and more to increase."

³ "I can hardly get through what I have to do", said Russell, of the Carmarthen Sessions. See also Lord Cawdor's letter.

that in the more rural counties there was much waste of time.¹

The Justices held ten courts during the six days—three courts to appear, three to declare, and three to plead.² Mr. Justice Heywood of the Carmarthen Circuit in his evidence before the Select Committee of the House of Commons in 1817 (hereafter termed the Ponsonby Committee), gives an account of how the six days were taken up. The first day marked the entrance of the Judges into the Sessions town, followed by members of the bar. On the second day the Grand Jury were charged, motions were heard, and routine business transacted. On the third day the Old Issues, *i.e.*, the causes in which issue had been joined before the first day of the Sessions, were tried. The fourth day was given over to the trial of prisoners. On the fifth day the New Issues were tried, and on the sixth, miscellaneous work was done. The number of causes entered in the Carmarthen Circuit varied from 33 in 1808 to 98 in 1815, though Sergeant Heywood does not inform us how many were tried, and the number of prisoners rose from 8 in 1807 to 23 in 1816. Russell gives practically the same account.³ The first court was held on the evening of the first day, but neither counsel or suitors were required to attend, as the proceedings were merely the reading of the writ

¹ Lord Cawdor in his letter to the Lord Chancellor, in 1828, states that the number of “bills in Chancery” in South Wales for the eleven years preceding 1823 was 689, or 62 per annum; the number of decrees 256, or 23 per annum; and 7 orders on further particulars of Common Law actions; there were tried by writ of *concessit solva* 318, or 29 per annum; of other causes 999, or 90 per annum; of criminal prisoners 1,107 or 100 per annum. In Montgomery there had been 105 causes, or 5 causes per annum for each judge, and 23 equity cases.

² *Foley's Practice*, 43.

³ *Russell's Practice*, c. ii.

of summons, and were then adjourned to the first court of the following day. At the second court, which was held at three o'clock in the afternoon of the second day, the charge to the Grand Jury was delivered, and motions were made by counsel. Motions formed part of the work of every court, though at the last court they were usually confined to motions, of course. The tenth court was held on the morning of the sixth and last day of the Sessions.

The Chancery business was carried on at some of the courts, as the other business might permit. The Chancery cases were usually heard at the evening courts.

All the pleadings in the New Issues were regulated by the court sitting in banc.¹ When time was required for filing a declaration, or for pleading, the court would fix any day in the vacation which they thought proper; but usually time was given to a day called "the common day", which in the vacation after the Spring Great Sessions was the first day of Trinity term, and in that after the Autumn Great Sessions was the first day of Hilary term.²

The Prothonotary's office was open from 8 a.m. to 8 p.m. during the Sessions, for the purpose of filing the pleadings and transacting the other business of the office. There were two particular times at which much of the business was appointed to be done, viz., "the first rules", which were held after the rising of the fifth court, and "the second rules", which were held after the rising of the ninth court.

¹ All pleading was at first oral in open court in the presence of the Judge, who superintended or "moderated" the oral contention. Oral pleading was abandoned *temp.* Edw. III, but it is not known when the practice of regulating pleadings by the court, which survived in Wales till 1830, was abandoned in England. (*Stephen on Pleading*, pp. 29-30.)

² *Foley's Practice*, 44.

(2) Sections 16-19 enact there should be four original seals, devised by the King's Highness, for justice to be ministered respectively in the three shires of North Wales; in Carmarthen, Cardigan, and Pembroke; in Brecknock, Radnor, and Glamorgan; in Denbigh and Montgomery, which should be in the keeping and custody of the Chamberlain of North Wales, South Wales, Brecknock, and Denbigh respectively. Section 20 enacts that the original seal of Chester shall stand for the original seal of Flint, and should remain in the custody of the Chamberlain of Chester. Section 21 enacts that the Chamberlains were to seal with the said seal all manner of original writs and process, returnable before the Justices at the Great Sessions, but they had no authority to compel any person to appear before them or their deputies, nor to hear and determine any Pleas of the Crown or other causes or matters of justice.

The difference therefore between the practice of the Welsh Courts and the Westminster Courts was slight. The Chamberlain or Chancellor (as he is indifferently called in Ss. 21 and 22) issued the original writ, and not the Court of Chancery as in England. The Chamberlain was a Chancery officer, who became known in later times as the *Cursitor*. He was appointed by the Crown for life by letters patent, and his sole function was to issue original writs, and to account for the profits of his office to the King.

(3) Section 33 enacts that

"all personal Actions, as Debt, Detinue, Trespass, Accompt, and such like, amounting to the sum of 40s. or above, shall be sued by writs original, to be obtained and sealed as is aforesaid, or by Bills, at the pleasure of the party suing the same, before the said Justices within the limits of their authorities, as is used in North Wales."

But all actions real and mixt, Attaints, Conspiracies,

Assizes, and Quare Impedit, Appeals of Murder and Felony, and all actions grounded upon any Statutes, had to be sued by original writ,¹ while all personal actions under the sum of 40s. were to be sued by Bill, "as is used in North Wales".

In England an original writ (*breve originale*) issued out of the Court of Chancery under the great seal. It was in the King's name, it was directed to the Sheriff of the county where the injury was alleged to have been committed, it contained a summary statement of the cause of complaint, and it required the sheriff, in most cases, to command the defendant to satisfy the claim; and on defendant's failure to comply, then to summon him to appear in one of the superior courts of Common Law, there to account for his non-compliance. If the defendant did not appear to the original writ, there issued other writs, called writs of process. They came from the Court of Common Law, not from the Court of Chancery, and were not under the King's seal, but under the private seal of the Court. Hence they were called judicial writs. All actions commenced with the issue of an original writ, unless either the plaintiff or the defendant was "privileged", *i.e.*, an officer or a prisoner of the Court. In that case, the procedure would be by bill without suing out an original writ. But this procedure by Bill related only to personal actions, and not to real or mixed actions.²

Such was the practice in the English courts at the time of the passing of the Act of 1542. The procedure sanctioned by ss. 33-34 of suing by Bill instead of by original writ, at the option of the litigant, was a noteworthy improvement on the inelastic English practice. The Courts of Great Sessions were spared the indignity of

¹ Sec. 32.

² *Stephen on Pleading*, p. 5.

countenancing such fictions as the *latitat* of the King's Bench or the *quo minus* of the Exchequer.¹ The story of the "Bill of Middlesex and *latitat*" is worth relating, because the Great Sessions suffered more injury from *latitat* than from any other cause.² When an action was contemplated in the King's Bench against a person not already privileged, the course was for the plaintiff to cause him to be arrested on a fictitious charge (foreign to the proposed action) of a trespass. This was effected by virtue of certain judicial writs which the court had power to issue in such cases called "the Bill of Middlesex and *latitat*". Upon such arrest the defendant was committed to the prison of the Court, or, according to the legal phrase, "to the custody of the Marshal of the Marshalsea". The plaintiff then commenced the action by filing a bill against him, which, as he had become a prisoner, was authorised. If instead of being committed to custody he gave bail, this was considered as of equal

¹ The actions in the Court of Common Pleas against prisoners in the Fleet were founded on the Statutes, 10 Chas. II, c. 2, and 8 and 9 William III, c. 27, sec. 13, but they never had their counterpart in the Welsh Courts. "It does not appear that they have ever been adopted by the Court of Great Sessions on the Carmarthen Circuit: nor do the rules of this Court, nor any of the sources from which a knowledge of the practice is to be obtained, explain the mode in which a prisoner should be charged with process in a fresh action" (Russell, p. 96). Nor were the Courts of Great Sessions familiar with proceedings against persons taken in custody upon mesne process under 4 and 5 William and Mary, c. 21, secs. 2 and 8, and 8 and 9 William and Mary, c. 27, sec. 13, against which Brougham inveighed in his famous speech on February 7, 1828. In a note in Douglas's *Reports*, i, p. 212, it is said that the jurisdiction of the Exchequer was never denied in Wales. I have found no trace of the exercise of the Exchequer's jurisdiction by means of *quo minus* in Wales at any time before 13 Geo. III, c. 51. The Court of Exchequer, it must be remembered, was the most unpopular and inefficient of the Westminster courts of common law. See Brougham's Speech.

² Bloom Com., 42.

effect for the purpose of founding the jurisdiction. In process of time it came to pass that the defendant was not actually arrested, but was merely committed to the custody of the Marshal of the Marshalsea "by fiction or intendment of law", in order that the plaintiff might begin his proceedings by suing out a "Bill of Middlesex and latitat". Not to be out done, the Court of Exchequer invented the *quo minus* fiction. The Court originally had cognizance only of suits in which the King's silver was involved. In time every plaintiff suing in the Court of Exchequer pretended to be "a debtor of the King", and was therefore allowed to sue by Bill. The anonymous author of the "Discourse against the Jurisdiction of the King's Bench over Wales by process of latitat" is justified in his comment on these proceedings.

"I do not blame them for the latitat, or the Exchequer for the *quo minus*. But I must say the first invention of these tricks was neither honest nor justifiable. . . We are told that the latitat is no original writ. I am sick of these quibbles. The judges there meant original process in opposition to execution process, and shall this latitat, a fraudulent contrivance to steal jurisdiction, a lie from the beginning to the end, enjoy more privilege than the honest originals of the Common Pleas?"¹

The method, however, continued in force down to modern times.² In the King's Bench (but not in the Common Pleas and Exchequer) the procedure by Bill was extended to defendants of almost every description.

"There are no sources of information", says Russell, "from which the practice in North Wales, with respect to writs original or bills at the period referred to by this Statute, can be ascertained, and therefore it does not appear how far the jurisdiction of the Court of Great Sessions on the Carmarthen Circuit was framed on the

¹ *Hargrave's Law Tracts*, i, p. 422.

² *Stephen on Pleading* (1833), p. 54.

proposed model.”¹ But we have it on the authority of this practitioner that “at present (*i.e.*, in 1814) the jurisdiction of this Court (of Great Sessions) in the commencement of personal actions is exercised by similar means to those used in the Courts of Common Pleas in England, the adoption of which by the Court of Great Sessions is ss sanctioned by Sec. 12 of the 34 and 35 Hen. VIII, c. 26. Its proceedings are therefore instituted (1) by original writ sued out of the Court of Chancery with the jurisdiction, (2) by *capias ad respondendum* founded upon a supposed original writ, (3) by attachment of privilege at the suit of attorneys and officers of the court, and (4) by Bill, which is either against attorneys and officers of the court, or against members of the House of Commons”.

But though we have no materials from which we can conclude what the practice was in Tudor times, we have an explanation of the practice as it existed in North Wales in 1672 by Rice Vaughan, one of the counsel practising on the Chester and North Wales Circuits.²

“The Sessions being begun, the plaintiffs, who are to commence actions, do retain their Attornies; and bring their actions either by original writ (as is usual for all kinds of debts not finable on the original) which writs are made returnable the first day of the Sessions, and dated fifteen days before the Sessions, or else by Bill or Queritur, which may be either for debt, trespass, or upon the case. And whether it be by original, or else by Bill, or Queritur, the defendant upon the original and first Bill or Queritur, and process (before appearance) thereupon awarded, is ever

¹ *Russell's Practice*, p. 2.

² *Practica Wallie*, by Rice Vaughan, late of Gray's Inn, p. 2. In the Dedication to Sir Job Charlton, Robert Milward, Sir Thomas Jones, and Kenrick Eaton, the editor “P. M.” speaks of the “late author” and the “dead author”. It is clear from internal evidence that Vaughan had practised for many years in the Courts of Great Sessions.

called in open Court, to come forth and answer to the plaintiff in such and such an action (as the case is), and if by Original, the defendant being thereupon called, and not appearing, then a second writ of summons is awarded, returnable the next day after, which being made by the Prothonotary, and sealed with the judicial seal of the Court, and returned by the Sheriff, the defendant is thereupon a second time called openly in Court. And if then the defendant appear not, the plaintiff hath judgment by default.

“So it is also in case the Action be brought by Queritur, or Bill, saving only that judgment is not in that case had before a third writ of summons issue, and thereupon the defendant, being the third time called, do make default; whereas if by original, there needs but one writ of summons besides the original itself.

“The first Bill or Queritur commonly bears date the first day of the Great Sessions, or the day when the Attorney sueth it forth, and is returnable the next day after the date of it; whereupon if the Defendant, being openly called in Court, appear not, then a second writ to summon the defendant again is awarded; whereupon if the defendant being the second time called, appear not, then a third Bill or Queritur to summon the defendant: whereupon if the Defendant being called a third time, appear not, then the Plaintiff hath judgment by default. And these writs are successively awarded and made returnable *de die in diem*, and the judgment had in 3 days at the most, in cases of debt, if the defendant appear not. But if the defendant appear, then the plaintiff's Attorney declares, and upon the defendant's pleading, and not confessing the action, then issue is joined in the same Sessions, and tryed the next Sessions after.

The difference in the proceeding by Original Writ and by Bill or Queritur in the seventeenth century was :

(1) Original Writs were dated fifteen days before the Sessions and made returnable the first day of the Sessions. The first Bill or Queritur was dated the first day of the Sessions or the day when the Attorney “sueh it forth”, and was returnable the next day after the date of it.

(2) If the defendant, on being called, did not appear to the Original Writ, a second writ of summons was

awarded. If the defendant still failed to appear, plaintiff would obtain judgment by default. In the case of a Bill or Queritur, if the defendant did not appear, a second and then a third summons was awarded before the plaintiff had judgment by default.

(3) The plaintiff could not proceed to Outlawry against the defendant upon the Queritur. "There is no prejudice or any great matter or difference whether the plaintiff sue by Original or Queritur, but that he cannot proceed to Outlawry against the defendant upon the Queritur."¹

(4) The Original Writ was sued out of the Chamberlain's office upon fine being paid to the King; the Bill was issued out of the Prothonotary's office.

The chief utility of proceeding by Bill seems to have been the acceleration of the trial of a cause.

"If the debt be due within 15 days of the Sessions, or the case otherwise lyes (as several wayes it may) so that the action cannot be begun by an original writ, then there must be a Queritur or a Bill had from the Prothonotary's office."²

On the other hand, if a substantial amount was at stake, or it was feared that the defendant would remain outside the jurisdiction, the plaintiff would prefer to sue by Original Writ in order that he might, in the last resort "proceed to Outlawry against the defendant".

By Sec. 32 of the Act of 1542 "all actions real and mixt, attaints, conspiracies, assises and quare impedit, appeals of murder and felony, and all actions grounded upon any Statutes" were directed to be commenced by original writ. Original writs were of two kinds. They were either optional or peremptory, either a *præcipe* or a *si te fecerit securum*.³ The former was used in actions of

¹ *Practica Walliæ*, 11.

² *Practica Walliæ*, 10; *Jones's Practice* (1828), p. 63.

³ 3 Bl. Com., 274.

account, covenant, debt, annuity, and detinue, and the latter in actions of assumpsit and in torts. They were obtained from the cursitor, sealed with the original seal, and signed by the proper officer. Upon suing it out, if the claim was for over £50,¹ a fine was payable to the King, by way of composition for suing in his court.² They could be sued out at any time. In early days they were returnable only at the Sessions, which was productive of great delay, but by 13 Geo. III, c. 51, sec. 15, they were made returnable on the first day of the Sessions, or on the first Wednesday in any month in the vacations, at the election of the plaintiff.

Before 6 Geo. ii, c. 14, it was the practice in the Welsh Courts to proceed by original bill or queritur, *i.e.*, before the *capias ad respondendum*, which will be adverted to later on, was permitted to be the first step in the action. In the latter days of the Court both original writs and bills fell largely into disuse. Russell said in 1814,

“Now, as the practice of this court, like that of the Common Pleas, permits a *capias* to be sued out in the first instance, an action is seldom commenced by original writ, where common persons are sued: unless it is an action of ejectment or . . . a *Concessit Solvere* or the plaintiff wishes to proceed to outlaw the defendant. In these cases an original writ is still usually sued out in the first instance, and it is also required . . . in actions against peers of the realm, corporations, and hundredors.”

The action of *Concessit Solvere* deserves particular attention, for it was at once the most characteristic and the most popular proceeding in the Court of Great Session.

¹ So Russell in his *Practice*, p. 57. But Vaughan in *Practica Wallie*, p. 6, places the limit at £40.

² The practice of levying a fine for suing in the King's Court was very ancient. Magna Charta sought to guard against the evil by forbidding the sale of justice, but it survived in theory down to the end of the Court of Great Sessions. The Common Law Commissioners in 1851 referred to the practice as one that had ceased to exist.

It was well established in the time of Rice Vaughan, who describes it with some minuteness.

“In all or most actions of Debt without Bond or Specialty upon simple contracts, there is a far shorter and less intricate way to declare, and so ground an action, then in the Courts above at Westminster, by the ancient custome of North Wales, had and deduced from those three Northern Counties that were shire-grounds time beyond all memory,¹ and are (indeed) rightly and properly the very North Wales, which way is by meer and plain *Concessit Solvere*, and no matter expressed besides the time and place of the contract, and the day of payment, whereunto the defendant most commonly pleads the afore-mentioned general issue of *Nil debet per patriam*, and at the trial the whole matter and consideration will be given in evidence, so that thereby the plaintiff saves what often falls out, by declaring specially in an action upon the case for every debt upon small contracts, wherein the plaintiff will be more closely held to prove all circumstances mentioned in the declaration, for all actions upon the case are strict, and therefore more subject to miscarry, and by several wayes overthrown then those general wayes of *Concessit Solvere*, which are constantly used and approved by the priviledge of the Custome aforesaid, which are often beneficial to the plaintiff in many things, for the defendant hardly (till the trial) knows (if many bargains passed between him and the plaintiff) upon which of them the plaintiff will produce his proof, and if the plaintiff can make proof of but part of the Debt declared, he shall recover so much, for the defendant's plea (upon which issue is joyned) sayes he doth not owe that debt or any part thereof, and so it is beneficial in many things else, but not in actions upon the case for debt, where the proof must be punctual with the Declaration.”²

There can be no doubt that the use of a general form of Declaration, and the practice of pleading the general issue, was highly convenient in days when special pleading had become a fine art, and non-suits on technical and

¹ The three counties of North Wales were made into shire-ground by the Statutum Walliae, 1284.

² *Practica Wallie*, pp. 12-14.

subtle points of pleading had become general. Nevertheless, the method of pleading in use in *Concessit Solvere* was open to grave criticism. The defendant, as Vaughan gleefully asserts, did not know with certainty what case he would have to meet, and the plaintiff would not know which of some seven or eight defences open to him under his plea of *Nil debet* would be relied on by the defendant. These objections prevailed in England for many years, and it was only in the latter half of the eighteenth century that a general form of declaration was allowed to be used in *indebitatus assumpsit*. According to Sir N. Tindal it was Lord Mansfield who first adopted it.¹ Lord Holt had seen the utility of it, but had said that he would be a bold man who ventured to employ it. The practice was brought into general practice by Lord Mansfield's authority, and it did much to mitigate the harsh rigidity of special pleading. As, however, the defendant could obtain particulars of the plaintiff's claim, he suffered no inconvenience, but no trace can be found of a similar practice in *Concessit Solvere*.

Vaughan was, however, wrong in supposing that *Concessit Solvere* was peculiar to the Welsh Courts, for it was also known in the Courts of the City of London and of Bristol.² The chief characteristic of the process was that the plaintiff's claim was for a sum certain, or capable of being reduced to a certainty,³ or on a *quantum meruit*. Though it was an action for debt, it was held good for attorney's fees, for rent in arrear, or for money recovered in the County Court, Court Baron, or Hundred Court, or for an amerciament in a Leet or Baron Court. The general rule in later days was that a *Concessit Solvere*

¹ *Hansard*, vol. xviii, col. 853.

² *Saund.*, p. 68, n. 2.

³ *Russell's Practice*, p. 59.

would lie "in all cases where an *indebitatus assumpsit* will lie in England".¹

The defendant in his plea could plead the general issue, *nil debet per patriam*; or he could wage his law, *nil debet per legem*. "Therefore", says Russell, "it does not lie against executors or administrators, because as they are presumed to be ignorant of the contract made by their testator or intestate, they cannot wage their law".² But it would lie on behalf of an executor or administrator,³ and upon a special agreement.⁴ The practice of waging the law fell into disuse. The last record of it was in 1747.⁵

Foley, in his *Practice*, gives an elaborate account of the process in *Concessit Solvere*.⁶ Russell agrees with him that it was "usual to sue out an original writ where it is intended to proceed by a *Concessit Solvere*".⁷ But elsewhere Russell appears to doubt if it was really necessary to sue out an Original Writ.⁵ The truth is that in earlier times it was the custom to proceed by Original Writ, but in latter days an Original Writ was never sued out in *Concessit Solvere*. This was due to the introduction of a process upon plain paper called "The New Rule". This was explained by Goodman Roberts, attorney, of Ruthin, to the Select Committee in 1817 in the following terms: "When you proceed in an action of debt against a person, you give him this sort of notice upon plain paper, viz., 'Take Notice, that an Action of Debt will be brought against you, and unless you appear and pay the debt by such a day, judgment will be signed against you.' This is the summary method." He stated that the New Rule

¹ *Jones's Practice* (1828), p. 63. He states that payment into Court could be made in the action.

² *Russell's Practice*, p. 60.

³ *Practice of Chester*, p. 52.

⁴ *Russell's Practice*, p. 60.

⁵ *Foley's Practice*, p. 39.

⁶ *Foley's Practice*, pp. 12-16.

⁷ See *e.g.*, note g on p. 56.

was introduced in the North Wales counties in the previous year, and presumably it had already been introduced into South Wales. Christopher Temple of the Chester Circuit, while dwelling on the comparative cheapness of litigation in Wales, pointed out that whereas in England all actions commenced by writ, in Wales no writs were issued, but all actions proceeded on "the new rule". John Evans, the Deputy-Prothonotary of North Wales, stated that "whenever a defendant is proceeded against by the new rule, the declaration is always in *Concessit Solvere*". The Common Law Commissioners in their first Report, issued in 1829, state that the action of *Concessit Solvere* "is commenced by notice instead of writ", and they go on to criticise the action on that account. For, they said, if the plaintiff, after notice to the defendant that he is proceeding with his action does not attend the Court, the defendant cannot get his costs, for, as there was no writ, there was no proceeding before the Court. Similarly if the defendant paid before issue was joined, the plaintiff would not get his costs.

After giving fifteen days' notice, the plaintiff attended the Great Sessions. If the defendant did not appear, the plaintiff would get judgment by default. About half the actions brought ended in this way. If the defendant appeared, the plaintiff would put in his Declaration. "The form of the Declaration was very general, stating that the defendant on such and such a date did grant or promise to pay to the plaintiff such and such a sum of money, and the breach of such a promise, without adding anything more."¹ No actual promise to pay had to be proved.² The defendant always pleaded the general issue, and the Statute of Limitations and other pleas, such as set-

¹ *Foley's Practice*, 32.

² *Russell's Practice*, 192.

off, or infancy, could be put in. All the special pleading in *assumpsit* was available in *Concessit Solvere*.¹

In spite of some obvious drawbacks the action of *Concessit Solvere* retained and even increased its popularity. In his evidence before the Select Committee in 1820, James Spencer, attorney, of Hay, said that there were ten actions of *Concessit Solvere* brought for every one other action, tho' the number of trials were about equal. An action for rent, for instance, would not be by *Concessit Solvere*, and attorneys "for their perquisites" often preferred to proceed by *Capias* in actions on bonds and notes. Sometimes, too, there was no time to give fifteen days' notice, and in that case proceedings by *Capias* would be taken. But as a rule, *Concessit Solvere* was cheap, speedy, and efficacious.

Proceedings by Bill in England were more limited than in the Welsh courts. They were at one time confined to actions in which either the plaintiff or the defendant was a privileged person, *i.e.*, an officer or prisoner of the court, or a member of Parliament. But such actions had to be personal actions, and not real or mixed. By Sec. 33 of the Act of 1542, all personal actions might, and all personal actions under 40s. must, be by Bill. The Bill was required to be sealed with the judicial seal, in the custody of the Justice, and also to be tested by the Justice.²

As has been already said, after 6 Geo. II, c. 14, the practice of proceeding in the actions mentioned in Sec. 32 of the 1542 Act by original writ was gradually discarded in the English Courts, and the Welsh Courts adopted the same procedure as prevailed in the Common Pleas.³ The

¹ See the evidence of Oldnall Russell and Christopher Temple before the 1817 Select Committee, and Mr. Justice Heywood, in 1821.

² Ss. 37-38.

³ See above. *Foley's Practice* (p. 25) held that proceedings by *capias* were first established by 6 Geo. II, c. 14.

new practice was to proceed by *Capias ad respondendum*, without suing out an original writ.¹ The *Capias* was a judicial or process writ, issuing from the Common Law Court upon a supposed original,² and was obtained from the Prothonotary upon delivering a memorandum or minute of the attorney's warrant, containing the names of the parties prosecuting and defending the suit, of the attorney concerned, and the style of the court in which the action was brought,³ and delivering also a præcipe for the writ.⁴ The writ had to be tested by the Chief Justice, and made returnable on the first Wednesday in any month during the vacation, or on the first day of the next Sessions.⁵ If it was not intended to arrest the defendant, the præcipe ran as follows:—

Carmarthenshire to wit.—*Capias* for A.B. against C.D.
late of — in trespass (or as the case may be) returnable
on —

If it was intended to arrest the defendant the *ac etiam* clause had to be added after the mention of the cause of action, *i.e.*, “and also for £100 upon promises”.⁶ A proper affidavit of the debt had also to be prepared and filed with the Prothonotary before or at the time of suing out the writ.

In the latter days of the Court, all the proceedings were by *Concessit Solvere* or *Capias*. Originally *Capias* was only a writ of process, but it became the general practice, in order to save time and expense, to resort to

¹ *Russell's Practice*, c. vi; *Foley's Practice*, p. 6.

² *Russell*, p. 67, n., who disagrees with *Foley*, p. 25.

³ 25 Geo. III, c. 80, s. 13.

⁴ *Foley's Practice*, p. 7.

⁵ 13 Geo. III, c. 51, s. 15.

⁶ *Russell's Practice*, pp. 16-17, of *Precedents*. But it was held in *Boyd v. Durand*, 2 Taunt., 161, that this was not absolutely necessary.

it in the first instance, and to suspend the issue of the original writ, or even to neglect it altogether, unless its omission should afterwards be objected to by the defendant.¹

(4) The Courts of Great Sessions had an equitable jurisdiction, but when and how it was conferred upon them has been a matter of controversy. It was certainly not specifically conferred by the Act of 1542.² Mr. Justice Burton, who was one of the Judges on the Chester Circuit 1788-1817, and who gave evidence before the Select Committee in 1817, hazarded the conjecture that it had attached to the Welsh Courts in the "ancient counties" long before the Statute of Henry VIII, "although it is probable that during the existence of the Court of the President and Council of the Marches, which was abolished by William III, a considerable portion of that equitable jurisdiction may have been drawn within the cognizance of Court". Two circumstances go to confirm this view of the origin of the equitable jurisdiction. One is that though the Chamberlain of Chester continued as before to make his equitable writs for the County Palatine returnable before himself, yet he appears always to have made his equitable writs for the County of Flint returnable before the Justices of the Great Sessions. The other is that at least as early as 1672, when *Practica Walliæ* was published, and at a time when the Council of the Marches was still in existence, the "Courts of Great Sessions have a Chancery within them-

¹ *Stephen on Pleading*, p. 25.

² "It is said in the Observations on the Statute (a MS. treatise in the possession of the Prothonotary of Carmarthen, *temp.* 1814 that the mode in which the Courts of Great Sessions obtained their jurisdiction is rather dark, as the Statute most particularly enumerates every officer in the Courts of Law does not allude to proceedings in equity." *Russell's Practice*, Intro., xxx, n. 1.

selves", and according to the learned author of that treatise, "have had power to relieve in cases of equity ever since Henry VIII's time".¹ The Chancery practice was so well established that Vaughan published as an Appendix "The certain and known Rules to be observed in the proceedings of the Chancery Court of the Great Sessions of the Counties of Anglesea, Carnarvon, and Merioneth". Dr. Henry Owen states, but on what authority he does not say, that "there was at first much doubt whether the Courts of Great Sessions had any equitable jurisdiction, but the point was decided in their favour by the King's Bench in 19 Car. II".² Two facts tend to show that Dr. Owen is mistaken in this view. No case is to be found in the Reports in which the legality of the Courts of Equity in Wales was brought into dispute before the Restoration. And, in the second place, Vaughan who was an active practitioner in the Courts of North Wales at the time, makes no allusion to the decision, but states that the Courts had possessed their equitable jurisdiction since the reign of Henry VIII. Mr. Justice Heywood of the Carmarthen Circuit agreed with Vaughan that the jurisdiction dated from the time of Henry VIII. When the Act of 1542 was passed, he said, the equitable jurisdiction was taken away from the Chancellor; the Court of Chancery was destroyed; but still the necessity of an equitable jurisdiction in the Principality was found to exist, and it was discovered that the causes must go somewhere else. In the room of the Chancellor³ a Chamberlain was appointed to hold the seal,⁴ but he was expressly prohibited from hearing equitable

¹ Vaughan's *Practica Wallie*, p. 7.

² *Owen's English Law*, p. 25.

³ In ss. 21 and 22 reference is made to "Stewards, Chamberlains, or Chancellors".

Ss 16-20.

causes.¹ The consequence was that the equitable jurisdiction devolved upon the Judges. Indeed, in the opinion of John Wyatt of the North Wales Circuit in 1821, "the legal jurisdiction cannot exist without the equitable; because it may happen that it may be necessary to institute suits for injunction, which may be necessary to be done on the spur of the moment, in order to stop proceedings at law from going on". If this was the case in 1821, how much more necessary was it in the days of Henry VIII? The Court of Great Sessions exercised equitable jurisdiction because it could not carry on its functions without it. As the Chamberlain or Chancellor—who in later times was known as the Cursitor—was a Chancery official, who was charged with the duty which devolved in England on the Court of Chancery of issuing Original Writs, it was probably thought that the Legislature had inferentially sanctioned an equitable jurisdiction within the Courts of Great Session. As the Chamberlain was expressly forbidden to exercise the jurisdiction, the only persons left who could do so were the judges.

Mr. Justice Heywood, in his evidence before the Select Committee in 1821, gave a succinct account of the dispute which arose at the Restoration as to the equitable jurisdiction. In the year ensuing the Restoration, he says that

"the question whether the Great Sessions at Brecknock had a court of equity annexed to it arose. The decision does not appear in either of the reporters who notice the case (1 Sid. 52 and S.C., 1 Keb. 129).² The former of them states that North Wales had a court of equity from time immemorial; but whether South Wales had such a court had often been disputed, owing to a doubt arising from the

¹ Sec. 21.

² Siderfin in noticing the case says: "si South Wales poient tener pleas in equity ad estre un question soven soits dispute."

Clause in 27 Hen. VIII, c. 26, which gives "such jurisdiction to South Wales"; and two cases were cited as having adjudged, upon solemn debate, in favour of the jurisdiction, one of them so early as the third year of Charles I. In Winn's case (1 Sid. 52) the Court of Great Sessions of North Wales is said "to be the ancient court of the said kingdom, which had been from time whereof", etc., and is confirmed by 27 Hen. VIII, "but South Wales was subdued by the Lords Marchers, and so divided into counties".¹ The question was fairly brought before the court, with respect to the Court of Equity of the Great Sessions for the County of Denbigh in the 19th year of Charles II in the case of *Pulrath v. Griffiths* (2 Keb. 259), and the decision in that case seems to have settled the dispute. A prohibition was moved for, because Denbigh was only a new county, but the Court (or King's Bench) refused to grant it, and said "the practice having been always to proceed so, the court would not now alter it; and the words of the Statute that justice should be administered as in North Wales extends to the Courts of Equity as of law".²

According to the evidence given before the Select Committee, the amount of equity work transacted in the

¹ In nothing did Lord Cawdor display more clearly the spirit of a partisan than in his references in his letter to the equitable jurisdiction of the Court of Great Sessions. He quotes Coke's *Institutes* (iv, c. 47), "leaving now the legal courts in the dominion of Wales, to proceed by the right rule, *secundum legem et consuetudinem Angliæ*, let us speak somewhat of the Court of Equity, before the President and Council there and afterwards. They, *i.e.*, the President and Council sit by force of the King's Commission and instruction, and proceed as a Court of Equity by their wisdoms and discretions"; and George Owen's *Government of Wales*, "We are also governed by the Lord President and Council of the Marches, which the Lord President and Council have the authority of the Star Chamber and Chancery: which court in some things yieldeth great ease and benefit to the subjects of Wales, although in some other things they feel grief." On the strength of these two passages, which at most only show that the Council had jurisdiction, not necessarily exclusive, in equity matters, and entirely ignoring the considered opinion of Mr. Justice Heywood, and the cases cited by him, Lord Cawdor declared the equity jurisdiction of the Welsh Courts was a mere "assumption".

² See also 1 Keb., 10, 100, 129, 168.

Courts was not heavy. Bicknell, the secondary of the Carmarthen Circuit, stated that the average number of equity cases on his Circuit was three or four. According to Christopher Temple, there was never more than one equity cause tried on each Chester Circuit, while Sir James Mansfield, one time Chief Justice of Chester, stated that in his time there were not three equity cases in ten Circuits. Lord Cawdor, in his letter to the Lord Chancellor in 1828, says that it appeared

“from returns made to Parliament in 1823 that the number of Bills in Chancery, filed in the various Courts of Great Sessions in Wales, during 11 years, from the beginning of 1812 to the end of the Spring Sessions 1823, amounted to 689, or 62 per annum; the number of decrees 256, or 23 per annum; and 7 orders on further directions.”

He gives the average number of equity causes on the Carmarthen Circuit as four, and in Montgomery there had only been twenty-three equity causes in the eleven years.¹

The reason for the smallness of the number of equity causes was that the Welsh Courts had never enjoyed an exclusive equitable jurisdiction. By sec. 4 of the 1542 Act the President and the Council of the Marches were given express jurisdiction in “such causes and matters as be or hereafter shall be assigned to them by the King’s Majesty”, and it is certain that down at least to 1641, when the Council ceased to sit till it was revived at the Restoration, the bulk of the equitable work was transacted at Ludlow. The Court of the Council was permanent, and not itinerant; it sat during the four terms, not merely for two weeks in the year; and it had its proper officers for carrying on the Chancery administration. After it was abolished in 1689 most if not all of the equity causes were tried in London, where the Court

¹ p. 20.

of Chancery exercised a concurrent jurisdiction. Indeed, the Courts of Great Sessions never seem to have made a serious effort to enlarge their work on the Chancery side. Their machinery was incomplete; the secondary of the circuit acted as Master in Chancery; and there were no means of enforcing the decisions of the Court in the vacation. The equitable jurisdiction was however regarded as advantageous, because it aided and supplemented the common law jurisdiction of the Courts. The equity causes consisted nearly entirely of injunctions in cases of ejectment and in matters relating to the property of infants, bills for account, suits to foreclose, and suits for redemption.¹ In strictness, the equitable jurisdiction, said Mr. Justice Burton, was "confined to the county where it originates, so that a party is not entitled to go into the second or third county, unless the adverse party asks some favour". But in practice the rigidity of the rule was relaxed, and the equitable jurisdiction became ambulatory throughout the circuit.²

The Select Committee, which reported in 1821, was unsparing in its condemnation of the equitable jurisdiction.

"The objections to a local jurisdiction apply with greater force to the Court of Equity. The circumstance of the Court being open only during three weeks twice a year, thereby not affording an opportunity for those applications to the Court from time to time, so important in the course of a suit in equity; the rapidity of some preceedings and the tardiness of others; the delay which must necessarily arise from the adjournment of causes from one session to another, so that during a period of ten or eleven months in the year no progress can be made, thereby rendering a suit

¹ See the evidence of Mr. Justice Heywood in 1817 and of Wyatt in 1821.

² Lord Cawdor, in his letter, gives one scandalous case where, in 1827, the ambulatory jurisdiction of the Brecknock circuit had been abused.

in the Great Sessions necessarily more dilatory and prolix than in the Courts above; the want of time for taking accounts and executing references during the Circuit; the want of power under which the Court at present labours of carrying its own decrees and orders into execution; the facility with which a person not resident within the jurisdiction may withdraw himself from the consequences of a suit which he foresees will have an unfavourable conclusion, while the party residing within the jurisdiction is bound down and concluded by its decrees; the want of security in some instances for the monies paid into court; the incompatible offices united in the same person; the possibility of no decision being given in consequence of the division of a Court composed of two persons; and the consideration that there is no appeal from its decrees except to the House of Lords: all tend to show the imperfect nature of the jurisdiction.

It may be admitted that the nature of the equitable jurisdiction was imperfect. As has been pointed out, however, it was not designed to compete with the regular Chancery work in London, but to be merely ancillary to the Common Law jurisdiction. Even in this respect however it was imperfect in its machinery. Lord Kensington, in the evidence which he gave before the Select Committee in 1820, supplied a somewhat startling illustration of this. The Court of Great Sessions had granted an injunction against him. He however ignored it on the advice of Sir Samuel Romilly, who pointed out that the injunction could not be enforced as the court only sat for six weeks in the year, and he did so with impunity. While, however, the equitable jurisdiction of the Court could easily be assailed on theoretical grounds, and though there were many cases in which Mr. Justice Burton admitted that it could not be exercised with utility, there seemed to be a consensus of opinion among those who gave evidence before the Select Committee that it was advantageous to have the jurisdiction. That was the opinion of Mr.

Justice Burton, who had practised on the Brecknock and Carmarthen Circuits before his promotion to the Chester Bench. Benyon, the Attorney General for the Chester Circuit, was of opinion that "it was rather expeditious than otherwise, particularly when I contrast it with what happens in London". Mr. Justice Heywood described it as "a cheaper, more convenient, and more satisfactory mode of obtaining the object of parties on account of its nearer home than the equity courts" in London. Christopher Temple, of the Chester Circuit, stated that "the equity jurisdiction of the Court is infinitely less expensive than it is in England. Its quickness as well as its cheapness are its great recommendations, in some cases the party is able to obtain a decree in one Session, or at all events he is sure of it in the next Session". Both Counsel and Judge of the Carnarvon Circuit were emphatic in their support of the equity jurisdiction. Mr. Justice Leycester presented an address to the Select Committee in 1821 from the Grand Jury of Anglesea, in which they expressed their entire satisfaction with the manner in which the law was administered. They went on to say :

"When we compare the manner in which justice is administered here with the hurry of an English Assize, or with the indefinite delay of the High Court of Chancery, when we look at the comparative costs in these courts, as well as the facilities that are here afforded to compromise, we cannot but consider our local judicature as one of the most valuable of our privileges."

Certain other small differences in practice and procedure between the English and the Welsh Courts were sanctioned by ss. 99, 103, 106, and 109 of the Act of 1542, which need no detailed notice.

(ii) OFFICERS OF THE COURT.

(1) *The Judges.* The Justice of Chester was enjoined "to hold Sessions twice in every year, in the Shires of

Denbigh, Flint, and Montgomery, and have nothing but his old fee of an hundred pounds yearly for the same".¹ The Justice of North Wales was to hold Sessions in Carnarvon, Anglesey, and Merioneth at a yearly fee of £50.² Another Justice, at a like salary, was to hold Sessions in the counties of Brecknock, Radnor, and Glamorgan;³ and a fourth in Carmarthen, Cardigan, and Pembroke.⁴ By the Statute 18 Elizabeth, c. 8, it was enacted that

“forasmuch as by the good administration of justice the Principality . . . of Wales and the County Palatine of Chester are reduced to great obedience of Her Majesty's laws and the same greatly inhabited and manured, and peopled . . . and for that many great and weighty matters questions demurrers and ambiguities in law do thereupon daily arise increase and are like daily more and more to increase within the said shires ”

it is ordained, in reply to the most humble petition and suit⁵ of the inhabitants of Wales and Cheshire, to have two Justices learned in the law in each of the several circuits. From 1576 onwards, therefore, two justices were appointed to each circuit. They sat in separate courts for the trial of jury cases, civil and criminal, but they sat *in banc* for chamber and chancery work. The question was raised in the reign of James I whether they should be appointed by letters patent under the great seal, or by commission. It was referred by the Privy Council to the consideration of the twelve judges, who decided that the appointment ought to be by letters patent.⁶

The Statute also empowered the Sovereign, if necessary, “from time to time to associate and grant commission and commissions of association or associations under the Great Seal of England to any person or persons learned in the

¹ Sec. 6.

² Sec. 7.

³ Sec. 8.

⁴ Sec. 9.

⁵ No trace of this Petition has been discovered.

⁶ *Coke's 4th Inst.*, c. 47, p. 240.

laws of this realm to be associated to or with every or any such several Justice or Justices for the time being of the said counties and circuits". There is no trace that the Crown ever exercised the power of appointing a commissioner. The four additional Justices were not in fact appointed before 1578.

In sec. 124 of the Act of 1542 the Judge is called "The High Justice". This may be the reason why one of the two Justices in each circuit came to be designated "The Chief Justice", though in the patent one was called "our justice", and the other "one of our justices". By 1 Geo. III, the Justices of the Court of Great Sessions were continued in their office during good behaviour, notwithstanding the demise of the Crown. It was only in 1 Will. IV, c. 24, the Act which abolished the Courts of Great Sessions, that we find, for the first and only time, a statutory recognition of the title of "Chief Justice of North Wales".

Section 99 of the Act of 1542 empowered the Justices in pleas personal "when there shall be divers and many suits taken which cannot (as it is thought) be tried before them in the time of the said Great Sessions, the issues taken in such suits might be tried at a Petty Sessions before the Deputy Justice there, as it hath been used in the said three shires of North Wales", at the discretion of the Justices. This power was, however, greatly curtailed by 13 George III, c. 51, s. 3, which forbade its exercise in future except

"for the purpose of calling and adjourning any court or courts, and receiving any motion or motions appointed, and especially directed to be made at such court, and for the further purpose of taking and proclaiming fines and arraig-ing recoveries."

The recital states that the exercise of this power "might be attended with inconvenience", but it is not

asserted that in fact any such inconvenience had resulted. Section 5 expressly allowed a Deputy to be appointed by the King in the place of a Justice incapacitated by illness.

The fees or salaries of the Justices were at first fixed at £50 a year for seven Judges, and £100 a year for the Chief Justice of Chester; £30 a year was allowed for "diet". During the Commonwealth the salaries were fixed at £250 a year. After the Restoration the old salary was paid. On August 21, 1668, they were augmented to £150,¹ but probably this was a temporary measure, for a few years after, Sir Job Charlton, Chief Justice of Chester, and three other Judges petitioned the King to augment their salaries from 100 marks to £200 and £100 respectively. The Chief Justice of Chester was granted by Patent a salary of £500 in 1680, and five years later a similar salary "as an addition to the profits of his place". From 1715 to 1830 every Chief Justice of Chester was granted by Patent "the several annual fees of £200, £500, and £30". The puisne Judge of Chester had a salary by Patent of £200 in 1681, and yet the ancient fee of £50 only is given in Sir Salathiel Lovell's Patent for the same office in 1702. Jeffreys was granted a fee of £50 on his appointment to the office in 1714, but the next year had a Patent for £400 a year. His successors were granted salaries of £500 after 1727, and it appears probable that the other six Justices had salaries of £400 between 1715 and 1759, and possibly £200 from 1681 to 1715. By 32 George II, c. 35, increased duties were placed on parchment paper and vellum, so that additional salaries of £200 to the Chief Justice of Chester, and £150 to each of the other seven Welsh Justices might be paid. By 12 George III, c. 30, additional salaries of £300 to the Chief Justice of Chester, and £200 to the other seven were voted out of

¹ *Calendar State Papers.*

the same stamp duties. In 1809, by 49 George III, c. 127, an additional £400 was granted to each of the Welsh Justices. In 1830, therefore, when the Courts of Great Sessions were abolished, the Chief Justice of Chester enjoyed a salary of £1,630, the puisne Justice of Chester £1,250, and each of the other six Judges £1,150. The Chief Justice of each circuit received some fees in addition to their salary. No pensions attached to the offices.

Much was said from time to time to the disparagement of the Welsh Judges. Perhaps the oldest complaint against them was that they got to know the gentry of their Circuit, and became guilty of partial affection when any of their friends appeared as litigants before them. Among the Bridgewater Papers is a document headed "Provisions for a court to be established in Wales, etc., 1641", and it states "how little the presence of two Justices that be practicers of Lawe at Westminster will avayle, to whom the Gentrye can make their owne accesse and applicacion".

The complaint was echoed by Brougham in his speech of Legal Reform in 1828. The Judges, he said, always went the same Circuit. "And what is the inevitable consequence? Why, they become acquainted with the gentry, the magistrates, almost with the tradesmen of each district, the very witnesses who come before them, and intimately with the practitioners, whether counsel or attorney . . . and out of this grow likings and prejudices." Lord Cawdor, who was not likely to omit anything to prejudice the position of the Welsh Courts, repeated the insinuation in his letter. But it is to be noted that these charges were merely general complaints which would apply against all local courts, such as County Courts and Police Courts. There was no attempt to prove that, in fact, the Welsh Judges were partial or corrupt.

Another complaint was better founded. The Welsh Judges could sit in Parliament, and it was asserted that appointments to the Bench were sometimes made for political reasons. It is certainly a good rule that a Judge should be debarred from sitting in Parliament, but it should be remembered that Recorders are to-day allowed, like the Justices of the Great Sessions, to sit in Parliament and to practice at the Bar, even in the very towns where they sit as Recorders. Nor should it be forgotten that it is only in recent times that the Master of the Rolls has been declared incapacitated from sitting in the House of Commons. Lord John Russell, in a debate in 1820, said that as the Welsh Judges were eligible for seats in that House, their posts were looked upon as retainers or rewards for the support of ministerial measures.¹ Lord Bulkeley stated in 1817, before the Select Committee, that nearly all the Judges had been in Parliament when appointed. Lord Cawdor in his letter said that “individuals have been selected rather from Parliamentary services than for their legal acquirements”. But it is worthy of note that in 1829 only one of the eight Judges had a seat in Parliament.² Certainly the taunt of political promotion came with a bad grace at a time when—according to Brougham—“party, as well as merit, must be studied in these appointments (of judges) . . . I defy him (the Solicitor-General) to show me any instance for the last 100 years of a man, in party fetters, and opposed to the principles of the Government being raised to the Bench. . . . Never have I heard of such a thing, at least in England”. The system was undoubtedly open to grave criticism; but we should not apply it to the higher standard of a later age, and we should not forget that no

¹ *Owen's English Law*, p. 29.

² Report of Commission on Common Law, 1829.

complaint of political partiality was ever brought against the Welsh Judges even by their bitterest critics.

The fact that the Welsh Judges were also practising barristers was another undoubted evil ; but here again the practical evil was grossly exaggerated in the interests of partisanship. "Often", said Brougham, "these gentlemen have left the Bar and retired to the pursuits of country gentlemen. . . . In some cases they continue in Westminster Hall—which is so much the worse—because a man who is a judge one half of the year and a barrister the other, is not likely to be a good judge or a good barrister." "His acting as counsel in England and judge in Wales", said Lord Cawdor in his Letter "is a great source of distrust. . . . It has also happened, I believe, that cases have been submitted to Welsh Judges in their capacity as counsel, under feigned names, and that when the cause has been tried, the same person has given a different decision." Lord Cawdor had succeeded Mr. Ponsonby as Chairman of the Select Committee. He must have known therefore that there was no authentic case where the scandal which he "believed" had occurred had in fact taken place. The point was specifically put to Mr. Justice Burton in 1817, and as he had known the Courts of Great Sessions for over 40 years, his reply is surely worthy of consideration.

"The Chairman : Is it not in the power of either of the parties, previous to commencing a suit in the Court of Great Sessions, to obtain the opinion of the Judge, in case he is a practising barrister, by putting a case to him under feigned names ?"

"Burton J. : Frauds of all sorts may be committed in such a manner as to elude the most vigilant person ; but all the Welsh Judges whom I have known have been peculiarly cautious in guarding against any fraud of that description : and I believe no Welsh Judge would ever answer a case put in A and B without obtaining an absolute assurance that

that case did not arise within his jurisdiction, and certainly if he had found it out afterwards to have arisen within it, he would not take part in the trial of the cause, and would take such means as he could to censure the parties."

There was no suggestion that in fact any such "fraud" had ever been perpetrated. It would have been more satisfactory if the Welsh Judges had been prohibited from practising at the Bar or sitting in the House; but that is no reason why unproved insinuations should be levelled against a body of men who on the whole seem to have discharged the function of their office with acceptance.

The third and final Report of the Select Committee, under the Chairmanship of the Hon. Frederick Campbell (afterwards Lord Cawdor), stated that "when the two judges differed, there was no decision, and there was no appeal except to the House of Lords, and by writ of error to the King's Bench". Here, again, there was no evidence to support the suggestion that the evil in fact existed. Mr. Justice Burton, of the Chester Circuit, was emphatic that no such deadlock had occurred during his long experience. Mr. Justice Heywood, of the Carmarthen Circuit, stated that, so far from any inconvenience arising, "I consider it one of the greatest comforts of my life to have a co-adjutor on the Circuit. There has never been a difference of opinion between myself and my learned friend that has in the least impeded the business of the Court". The criticism was merely theoretical, and in no sense founded on the actual facts. But if there had been any such inconvenience, it could have been remedied by forbidding the Judges to sit *in banc*, or by reducing the number of Judges to the original limit.

The lack of a retiring pension was also a source of hostile criticism, "consequently", said Brougham, "they retain their salaries long after they have ceased to discharge properly the functions for which they receive

them". But it is not only un-pensioned officers that lag superfluous, and in any case the remedy was obvious.

It was a common reproach in the mouth of opponents of the Welsh Courts that, as Brougham said, "in Wales you have as Judges, I will not say inferior men, but certainly not the very first". It was certainly true that the Welsh Bench was inferior to that in the courts at Westminster, exactly as the County Court Bench is to-day inferior to the High Court Bench. But that is a long way from saying that the Welsh Judges were incompetent. They seem to have given fairly general satisfaction to Welsh litigants, and hardly a practitioner wished to change the system. Certainly some of the most eminent English lawyers acted at some period of their career as Welsh Judges. Among them were Lords Chancellor Jeffreys and Lyndhurst; Lords Keeper Puckering and Lyttleton, Keble, Bradshaw, and Willes, who served as Commissioners of the Great Seal; Lord Chief Justices of England, Ley, Wright, Herbert, and Kenyon; Chief Justices of the Common Pleas, Mansfield, Arden, Dallas, and Best; Vice-Chancellors Plumer and Leach; Masters of the Rolls, Hare, Jackyll, Verney, and Grant; Chief Barons, Brooke, Probyn, Skynner, Macdonald, Richards, and Gibbs; and a large number of puisne Judges of the Common Law Courts. Out of the 217 Welsh Judges appointed between 1542 and 1830, more than one-fourth were promoted to the High Court Bench in England.

(2) *The Chamberlain.* The original seals were to be in the custody of the Chamberlains of North and South Wales and Chester, the Steward and Chamberlains of Brecknock and Denbigh respectively.¹ In ss. 21-22 of the Act of 1542 this officer is called "Steward, Chamberlain, or Chancellor". In the later Practice Books he

¹ Ss. 16-20.

appears as the *Cursitor*,¹ who was properly an officer of the Court of Chancery. He held his office by letters patent under the great seal for life.²

(3) *The Prothonotary*. Sec. 44 of the Act of 1542 enacted that each circuit should have a “prenotary” or prothonotary “for the making of all pleas, process, and matters of record”. To the office was united that of the Clerk of the Crown. It was held by letters patent under the Great Seal for life. It was his duty to attend upon the Justices, to estreat all fines and forfeitures of recognizances, into the Court of Exchequer for the Circuit.³ All process, pleas, records, or other proceedings were filed in his office. It was expressly enjoined that the duties might be performed by deputy.⁴

(4) *The Secondary* was an officer appointed by the prothonotary, and acted as Master, Clerk of the Rules, Clerk of Assize, and Deputy Clerk of the Crown. In his office, as Deputy Clerk of the Crown, after an indictment was found by the Grand Jury, all subsequent proceedings in criminal matters were carried on.⁵

(5) *The Marshal* or Crier was appointed by the Judge.⁶

(6) *The Clerk of Indictments* was appointed by the Chief Justice.⁷

(7) *Sheriffs* were first appointed in the ancient counties of Wales by the Statutum Walliæ. The Act of 1542 directs that there shall be Sheriffs appointed by the King in every shire in Wales, and that their offices shall be of the same duration as in England,⁸ and with the same power and authority.⁹ They were to execute all lawful commandments and precepts of the Justices of Wales, to be attendant

¹ *Russell's Practice*, p. 6.

³ Sec. 52.

⁶ Sec. 45.

⁸ Sec. 61.

⁴ Sec. 44.

² See p. 17, *supra*.

⁵ *Foley's Practice*, 4.

⁷ *Foley's Practice*, 4.

⁹ Sec. 62.

upon them, to assist them, and to obey the King's commands and process from them directed.¹ By 1 Edw. VI, c. 10, sec. 3, they were required to have deputies in the courts of King's Bench and Common Pleas to receive writs, in like manner as the Sheriffs of England. By 1 Will. and Mary, c. 27, sec. 3, the Justices of the Great Sessions were to nominate yearly three substantial persons for each shire, in their respective circuits, to be Sheriffs of the same; and shall certify their names to the Privy Council *crastino animarum* to the intent that the King may appoint one of the persons named to be Sheriff for that year. Before this Statute, the President and Council and Justices of Wales, or three of them at the least, whereof the President was to be one, had yearly to nominate.²

By sec. 22 of 3 Geo. I, c. 15, the Welsh Sheriffs were exempted from appearance in the King's Court of Exchequer, but they were to account before the auditors of Wales.

(8) *The Attorney-General.* Each Circuit had its own Attorney-General, who had "the power of appointing a deputy, as the Welsh Justices used to have before that power was taken away by the 13th of the King".³ The Attorney-General was appointed by patent under the Great Seal, and held his appointment during the pleasure of the Crown. Benyon, the Attorney-General for the Chester Circuit, thought that the appointment was probably not made under 34 and 35 Henry VIII, but that it was in pursuance of the practice prevailing in the ancient Welsh counties previously to that Statute.⁴ But the Crown had

¹ Sec. 65.

² Sec. 61.

³ Mr. Justice Burton's evidence.

⁴ Sir W. Owen, the Attorney-General for Carmarthen, stated that "the office was mentioned in the Statute of Henry VIII. as was also the office of Solicitor-General", though, he added, that in his opinion "these offices existed before". They are so mentioned in sec. 55 of

certainly power under sec. 119 to make such an appointment. In sec. 34 of the Act of 1830 (1 Will. IV, c. 70), he is described as "His Majesty's Attorney-General". His duties were to sign all indictments before submitting them to the Grand Jury; to prosecute prisoners; and to appear for the Crown in every case in which the Crown's name was used. He had a fee of 6s. 8d. for signing each indictment, and a retaining fee of £8 12s. 4d.¹ An Attorney, who was called the "Crown Solicitor" was appointed to conduct all prosecutions at the expense of the county.

(9) *The Bar.* Nothing about counsel is said in the Act, but it would appear from the evidence of Mr. Justice Burton before the Select Committee in 1817 that all barristers of the Inns of Court were entitled to practice, and a few Chancery barristers attended each circuit.² In later times, nearly all the practitioners were members of the Northern or of the Oxford Circuit. From the care which was displayed to fix the Courts in South Wales after the Oxford Circuit, it would seem as if the majority of the counsel in the South Wales Sessions belonged to the Oxford Circuit. Their numbers were small, between five³ and ten⁴ attended the Chester Circuit, twelve or fourteen the Carmarthen Circuit,⁵ twelve common law, and four or five the Brecknock Circuit.⁶

the Act of 1542, where the Attorney and Solicitor are both made *ex officio* Justices of the Peace. But nothing is heard of the Solicitor-General of each circuit, unless he was the deputy who might be appointed by the Attorney-General, or he may be the same person as "the Crown Solicitor". He is not mentioned in the Act of 1830.

¹ Doddridge, p. 72.

² Spencer's evidence 1821.

³ Mr. Justice Leicester's evidence in 1817.

⁴ Benyon's evidence, 1817, stated that twenty counsel attended at Chester.

⁵ Mr. Justice Heywood in 1817.

⁶ Mr. Justice Wingfield in 1821.

(10) *Attorneys.* No Attorneys could practice except such as were admitted by the Court for each of the districts,¹ after they had been examined by the Judges of the Court touching their fitness and capacity.² Such Attorneys need not have been admitted as Attorneys of any of the Courts of Record at Westminster.³ The only difference between them and the Attorneys of the Westminster Courts was in the duty to be paid upon their contract of clerkship, which was half of the duty paid in England, and they only had to serve as clerks for five years.⁴ The Prothonotary was to enrol the names of Attorneys, who had to take out their annual certificate, however, from the head office of stamps at Middlesex.⁵ All Attorneys, so authorised, could act in their own name in the Welsh Courts; and in the Courts of the counties palatine of Chester, Lancaster and Durham in the name of any Attorney of those Courts who consented. But they could not act in the Courts at Westminster.⁶

Complaint was made that admission to the profession was so much cheaper in Wales than in England, and that litigation was so cheap and plentiful, that there was a multiplicity of Attorneys. George Owen, in the reign of Elizabeth, brought a similar complaint against the Ludlow Court. The profession was manned, according to Lord Cawdor and others, by an inferior class of person, and a Swansea Attorney stated before the Select Committee that no attorney of good standing would dream

¹ Mr. Justice Burton's evidence, 1817.

² 2 Geo. II, c. 23, s. 2.

³ 22 Geo. II, c. 46, s. 13.

⁴ 2 Geo. II, c. 23; 2 Geo. II, c. 46, secs. 5, 12, 13, 15; 12 Geo. II, c. 13, s. 3; 22 Geo. II, c. 46, s. 2, and 30 Geo. II, c. 19, s. 75, also dealt with the position of Attorneys.

⁵ 2 Geo. II, 23.

⁶ 34 Geo. III, c. 14, s. 40.

of bringing up his son to the profession, because he would have to associate with undesirable persons. Lord Kensington haughtily said that he never employed a Welsh Solicitor. That there was some ground for the complaint is true, but the evil again was greatly exaggerated by the opponents of the Courts of Great Sessions. Counsel from the Carnarvon Circuit, in 1821 described the Attorneys as "competent", and there were instances where Welsh Attorneys were also Attorneys at the Westminster Courts.¹ It is extraordinary how slight the evidence was, when the generality and vehemence of the allegations are remembered. There was certainly a consensus of opinion, though it was somewhat discounted by the Select Committee, by Lord Cawdor, and by the Commissioners in 1829, that litigation was cheaper in Wales than in England.²

(iii) STATUTORY CHANGES.

It was inevitable that, during the 287 years of their existence, some alterations in their powers and procedure should have been made by Statute. Some of them have already been mentioned; it is necessary now to deal with the others.

¹ James Spencer, *e.g.*, of Hay.

² Brougham, though he stated that the Welsh Judicature was "the worst ever established" gave an appalling account of the Courts at Westminster and elsewhere, which cannot be paralleled by any evidence given before the Select Committees. "I asked the Prothonotary four years ago at Lancaster," he said "to give me a list of 50 verdicts obtained at the Lent Assizes. The average was under £14. But if the money recovered amounted in all to less than £900, the costs incurred certainly exceeded £5,000." At Westminster, a clergyman's widow brought an action for payment of mortgage money. The costs came to £99 14s., and the action lasted two years! Compare this with the statement made in 1830 in the House of Commons by John Jones, M.P., that in Carmarthen £13,000 had been recovered in 1829 at the expense of £5.

(1) 5 Eliz., c. 25, gave power to the Sheriffs "to name and appoint, as often as need should require, so many of such other able persons of the said county then present at the said Assize or Nisi Prius as should make up a full jury". This enactment extended to Wales, "the wholesome and profitable Act" that was passed for England in the thirty-fifth year of Henry VIII. Hitherto the only power possessed by the Courts to empanel jurors *de circumstantibus* was that granted by sec. 103 of the Act of 1542, which enacted that "in actions personal . . . if nine of the jury be sworn to try the issue . . . and the residue make default or be tried out" the sheriff could make up the panel from among the bystanders, "as before the Jury of North Wales hath been afore used and accustomed in such cases".

(2) 27 Eliz., c. 9, extended to Wales the Act of 23 Elizabeth "for the reformation of errors in Fines and Recoveries".

(3) 21 James I, c. 23, enacted that "no writ, other than writs of error or attain, sued forth out of the Court of Great Sessions to stay or remove any action commenced or depending in any Court of Record, shall be received . . . by the Steward . . . unless such writ shall be delivered to him before issue or demurrer joined".¹

(4) By 16 and 17 Charles II, c. 8, it was enacted that judgment after verdict was not to be stayed or reversed for want of form or pledges returned upon the original writ.

(5) 9 and 10 Will. III, c. 16, empowered the Court of Chancery, the Court of Exchequer at Westminster, and the Court of Great Sessions to issue execution and other

¹ This Statute is one of the very few omissions from Ivor Bowen's otherwise admirable edition of the *Statutes of Wales*. The Act was extended by 12 Geo. I, c. 29.

processes upon the judgment or decree of the Court of the Council of the Marches, which had been abolished in 1689.

(6) 11 and 12 Will. III, c. 9, extended to the Great Sessions the powers of the Act of Charles II, which enacted that in all personal actions where the plaintiff recovered less than 40s. he should not recover more costs than the damages amounted to. It was also enacted that upon any writ or process issuing out, no Sheriff should hold any person to special bail, unless affidavit be first made in writing, and filed, signifying the cause of action, and that the same is £20 and upwards; and when the cause of action is £20 and upwards, bail should not be taken for more than the sum expressed in such affidavit.

(7) 4 Anne, c. 16, sec. 24, enacted that the Statutes of jeofails should extend to all suits in the Welsh Courts.

(8) 5 Geo. I, c. 13, enacted that judgment after verdict was not to be stayed for any defect or fault in any bill or writ.

(9) 8 Geo. I, c. 25, sec. 6, extends 29 Chas. II, c. 3, to the Welsh Courts. This compelled the Judge, when signing judgment, to set down the day of the month and the year of his so doing.

(10) By 3 Geo. II, c. 25, sec. 9, the Sheriffs in Wales were enjoined to summon not less than ten or more than fifteen persons out of each hundred to act on juries at least eight days before Great Sessions.

(11) 6 Geo. II, c. 14, sec. 1, enacted that in personal actions where the debt or damages did not amount to £10, and where the plaintiff had sued out an original writ and served it on the defendant at least eight days before the commencement of the Great Sessions, the defendant should appear at or before the third Court. It also declares that the Act of 4 Geo. II which enacted that all

proceedings in Courts of Justice should be in English, applied to the Welsh Courts.

(12) By 14 Geo. II, c. 17, it was enacted that where issue was joined and plaintiff had neglected to bring the issue to trial, the Justices could at their discretion upon motion made in open Court after notice give like judgment for the defendant as in cases of non-suit.

(13) 20 Geo. II, c. 42, sec. 3, enacted that where England was mentioned in a Statute, it should be deemed to include Wales.

(14) By 32 Geo. II, c. 28, sec. 11, power is given to the Justices to hear in a summary way petitions of debtors against gaolers, bailiffs, and others for exaction or extortion.

(15) By 8 Geo. III, c. 14, Sheriffs were directed to provide lodging and accommodation to the Welsh Judges during the continuance of the Great Sessions, and that the Sheriffs should be reimbursed the sum so expended up to £10.

(16) 13 Geo. III, c. 51, which is sometimes called, after its sponsor, the Hon. George Rice, M.P., afterwards Lord Dynevor, and at other times, "the Welsh Judicature Act", has already been incidentally referred to. It deserves, however, more specific and detailed mention on account of its importance.

It recites that "it hath been the practice to commence trifling and vexatious suits in the Courts at Westminster upon causes of action arising within the said Dominion of Wales, in order that the same may be tried in the nearest adjoining English county to that part of Wales in which the cause of action has arisen", and then goes on to enact that

"in case the plaintiff in any action upon the case for words, action, or debt, trespass on the case, assault and battery, or other personal action, where the cause of such action shall

arise within the Dominion of Wales, and which shall be tried at the Assizes, at the nearest English county to that part of Wales in which the cause of action shall be laid to arise, shall not recover by verdict a debt or damages . . . of £10",

if the Judge certifies that the defendant was resident in Wales, a non-suit shall be entered with costs against the plaintiff, unless the Judge certifies that the freehold or title of the land mentioned in the plaintiff's declaration was chiefly in question, or that the cause was proper to be tried in such English county. A similar provision with regard to transitory actions arising in Wales and tried in England is given to non-suit the plaintiff if the debt or damages found by the jury did not amount to £10 is found in sec. 2.

Secs. 3-5 restrict and define the power to appoint deputies which the Judges enjoyed under sec. 99 of the Act of 1542.

Sec. 6 empowers the Justices to strike a special jury for civil or criminal trials upon motion made, in such manner as special juries were struck in the Courts of Law at Westminster.

Sec. 9 empowers the Justices to appoint commissioners to take affidavits.

Sec. 10 empowers the Justices to appoint persons to take recognizances of bails.

Sec. 15 recites that

"whereas all writs relating to actions depending in the Courts of Great Sessions are returnable at the Great Session held respectively for the said counties, and at no other time, by which means no action that is commenced (except where the defendant voluntarily appears) can be brought to issue and tried before the second Session after such action is commenced at the soonest, which is usually near a year, and a great delay to the suitors of the said Courts it enacts that all original writs, bills, and all mesne process whatsoever . . . shall and may be made returnable before His Majesty's Justices . . . on the first

Wednesday in any month in each of the two vacations annually between the two Sessions, or on the first day of the next Sessions, at the election of the plaintiff.

The defendant had to enter appearance on the day of such return, or within fourteen days next after; and in case of neglect in "bailable actions", the Sheriff should, at the request and costs of the plaintiff, assign to the plaintiff the bail bond taken for the defendant's appearance. On the defendant appearing, the plaintiff should proceed to file his declaration, and the defendant, in case the declaration was delivered seven days before the first day of the Session, should be bound to plead thereto, before the rising of the second court.

Sec. 17 confers upon the Great Sessions the power hitherto enjoyed by the Courts of Westminster alone, of trying actions for a penalty, provided the offence was committed and the defendant was triable and resident in Wales.

(17) The Act of 33 Geo. III, sec. 68 was passed to "remedy certain inconveniences attending certain proceedings" in the Court of Great Sessions. One of the difficulties experienced in the administration of justice in Wales was the practice of defendants, against whom judgment had been obtained, to remove their persons and effects from the jurisdiction. To remedy this, the Westminster Courts were empowered to issue writs of execution against such persons.

The effect of this enactment was to modify the practice of the Court in another respect. Formerly, when the plaintiff lived outside the jurisdiction, he was required to give security for costs.¹ It would appear that after this Statute such security was not required, and a rule was refused by Mr. Justice Heywood in *Evans v. Morgan* under such circumstances.²

¹ *Foley's Practice*, 67.

² *Russell's Practice*, 226.

(18) In 1824 (5 Geo. IV, c. 106) the last attempt was made to reform the practice and procedure of the Courts of Great Sessions. The Statute was a courageous attempt to remedy the defects referred to in the Report of the Select Committee as calling "for regulation and amendment". The points more particularly mentioned by the Committee were:

(a) The long period of the year during which recoveries cannot be suffered, or fines levied; and the magnitude and uncertainty of the expense attending them.

(b) The inability of the Courts to compel the attendance of witnesses residing out of their jurisdiction.

(c) The necessity of moving for a new trial before the same Judges, within a few hours after they have given misdirection to the Jury, upon which the application is founded.

(d) The want of sufficient security for the funds directed to be paid into Court, that security depending entirely on the personal solvency of the officers.

(e) The necessity of the Judges and Counsel remaining the same time at each place of their Circuit, whether there may or may not be sufficient business to occupy them.¹

Of these six defects in the Welsh procedure, no less than five were dealt with by the Act of 1824. The only matter which the Legislature did not alter was the fixed time of six days during which the Sessions must be held.

¹ The Select Committee was appointed in 1817 with the Rt. Hon. Geo. Ponsonby as Chairman. Its Report (which consisted only of evidence) was issued on July 4, 1817, and reprinted March 10, 1818 (v. 107). In 1820, the Committee sat again under the Chairmanship of the Hon. Frederick Campbell (afterwards Lord Cawdor), and issued a print of the evidence the same year (ii, 45). In 1821 it issued its final Report (iv, 233).

But even in this regard it strove to remove the grievances of suitors. Russell, in his evidence, dwelt on the expedition with which cases were tried in the Welsh Courts. "A party may obtain the whole object of his legal proceedings in three weeks or a month." But there were two main objections to this expeditious procedure. One was mentioned by Mr. Justice Moysey of the Brecknock Circuit. "If the people of Wales", he said, "who get themselves involved in law-suits had time to breathe, and the heat of their litigation to subside, they would make up their causes long before they came to trial."¹ The other objection was mentioned by Goodman Roberts, attorney of Ruthin, who stated that "the time for getting up the case during the Sessions is too short, though the parties themselves are generally satisfied by the rapidity with which justice is administered". It was sought to remedy these defects by allowing pleadings to be delivered in the vacation,² by empowering the courts to take the evidence of witnesses on commission,³ and by authorising the Justices in any county on their circuit to make any rules and orders in any suits within their jurisdiction, and not merely in the county where the cause of action had arisen,⁴ and to hear motions and petitions in the vacation.⁵ The value of these provisions was ridiculed by Lord Cawdor in his Letter. He was certainly right in his reference to the difficulty of hearing motions, etc., in vacation. One of the Carmarthen judges lived in Derbyshire; the other in London. It would be somewhat difficult to bring them together, and there was no power to compel them to make

¹ Palmer, of the Carnarvon Circuit, expressly disagreed with this view, and stated that compromises were frequent. See also the address already cited of the grand jury of Anglesea. It should be remembered also that at least one half of the actions in *Concessit Solvere* never came to trial.

² Sec. 8.

³ Sec. 9.

⁴ Sec. 11.

⁵ Sec. 12.

a Court. His somewhat clumsy ridicule of the other remedies is not convincing. The amendments must have sensibly relieved both the tension of work during the Sessions week, and it gave suitors time to consider their position before their cases came to trial. There is no doubt that in the purely rural counties a week was then, as now, more than sufficient for the work, especially when it is remembered that two courts sat to try jury actions: but the Legislature thought, and rightly thought, that it was more urgent to remove the well-founded grievances of suitors than to effect a comparatively small economy in public expenditure.

In other respects the Act of 1824 dealt directly and specifically with the evils complained of.

(a) *Fines and Recoveries*. The evidence clearly supported the finding of the Select Committee as to the length of time sometimes required to suffer recoveries and levy fines, as well as the magnitude and uncertainty of the expense. But here again the evidence was conflicting. Mr. Justice Burton admitted that recoveries could not be suffered except during the Sessions, *i.e.*, twice a year. But he added "no more than they can in England, except during the four terms". He was constrained however to acknowledge that "it would possibly be an improvement if recoveries were allowed to be suffered at other periods before either of the Justices in any place". Rees Goring Thomas, the "compounder" of Carmarthen, stated that the expense of levying a fine in South Wales was double that in North Wales, while recoveries cost 1s. 4d., *ad valorem*, in South Wales as against 1s. in North Wales. He went on to say that the expense was considerably larger in South Wales than in England, where the charge was so much per message and so much per acre. It was mentioned that a recovery which cost only a few

pounds in Westminster might cost hundreds of pounds in Wales.

Sec. 24 of the Act of 1824 enacted that "the fees to be paid on any fine or recovery . . . and the amount of the King's Silver to be paid thereon shall be in the same proportion and ascertained and calculated in the same manner by the proper officer" as in England, and "shall not exceed the same". Sec. 26 directed that fines should be levied four times a year after the manner and on the dates mentioned in the section. Sec. 28 authorised any person entitled to take affidavits as a Commissioner of the Common Law Courts or a Master Extraordinary of the Court of Chancery to take any affidavit of any matter arising or fines and recoveries levied or suffered in the Courts of Great Sessions, in the same manner as was done in England.

In this way the peculiar grievance of Wales was swept away. But in any event the cumbrous and expensive system of fines and recoveries was hastening to its close. Brougham indignantly inveighed against it in his speech on Feb. 7, 1828.

"Every gentleman knows that if he has an estate in fee he can sell it, or bestow it in any way he may please, but if he has an estate tail, to which he succeeds in the long vacation, he can go, on the first day of Michaelmas term, and levy a fine, which destroys the expectant rights of the issue in tail: or he may, by means of a recovery, get rid of those rights and all remainder over. . . . But this must be done through the Court of Common Pleas at certain seasons of the year. And why should there exist a necessity of going there? Why not, if it be necessary, pay the fines which are due without going there at all? Why force tenants in tail into court for force's sake?"

In the reign of William IV, within a few years after the abolition of the Courts of Great Sessions, fines and recoveries were done away with.

(b) The inability of the Courts to compel a witness who lived outside the jurisdiction to attend the trial was a serious defect, though it is likely that in actual practice the inconvenience was not very great. Mr. Justice Burton stated that he had never had to try the experiment, and had never known any practical inconvenience resulting from this want of power. Oldnall Russell, though he denied the existence of any "disadvantages", agreed that there should be some means of compelling the attendance of a witness resident in England.

In order to remedy this state of things sec. 1 enacted that on application by one of the parties to the Court of Exchequer at Westminster, supported by a proper affidavit, a writ of *subpoena ad testificandum* or *subpoena duces tecum* would issue, directed to such witness, whether resident in England or that part of Wales outside the jurisdiction of the particular court where the cause was being tried.

(c) The evidence given before the Select Committee was not very strong with regard to the alleged inconvenience resulting from the necessity of applying to the Justices who had heard the case for a new trial. Indeed, the experience of the County Courts, where a similar practice prevails, is confirmatory of the statement made by Benyon, the Attorney-General for the Chester Circuit, that no such inconvenience was in practice experienced. Oldnall Russell stated quite truly that the motion for a new trial made before the same tribunal, which already knew the facts on which the verdict was given, made for expedition, "though", he added, "another tribunal, if practicable, would be better". Christopher Temple gave the only damaging evidence against the practice when he said that he had "never known a new trial granted in any of the three Welsh places with which I am acquainted" (viz., Flint, Denbigh, and Montgomery).

His suggestion that the motion for a new trial should be heard by four Welsh Judges in London, including the Judge who tried the case, was not accepted. Sec. 2 of the 1824 Act, enacted that the Courts of King's Bench, Common Pleas, and Exchequer sitting *in banco* should have power, after hearing the parties, to order a new trial or to enter judgment for either party or to enter a non-suit, as the case might be. Even Lord Cawdor, in his Letter, pays a grudging tribute to the efficacy of this provision.

(d) The complaint that a person paying a sum of money into court had no security except the personal solvency of the officers of the court was well founded. No witness who gave evidence before the Select Committee endeavoured to defend the existing state of things. Temple said that "we have no officers of the court with whom money can be safely lodged". Two remedies were proposed in 1824. One was that the Justices should have full power to dismiss all officers "for peculation, extortion, or other misconduct", unless such officer had been appointed by the Crown.¹ The following section empowered the Justices to "have and take from any officer of the Court within three calendar months after his appointment and as often after as occasion may require, such security as to such Justices shall seem proper for and concerning the accounting for all and every sum which such officer shall receive in any cause". By sec. 18 the Justices were authorised to "order and direct any sum of money belonging to the suitors to be paid into the Bank of England, in the name and with the privity of the Accountant-General of His Majesty's Court of Exchequer at Westminster."

Lord Cawdor made play with the fact that by 1828 not

¹ Sec. 16.

a penny had been so paid in to the Bank of England, but he does not mention what had been done under sec. 18, and his silence as to this is significant.

There was one other defect in the jurisdiction of the Welsh Courts which needs some attention in connection with the Act of 1824, though it will have to be referred to more at length later on. That was the iniquitous practice, which had grown up in the latter years of the eighteenth century, for the Westminster Courts to remove actions commenced in the Courts of Great Session to the nearest English county by the prerogative writ of *certiorari*. The practice with regard to *certiorari* varied on different circuits. According to Mr. Justice Burton it was almost unknown—or at least it was never countenanced—on the Chester Circuit. He said:

“Although there is a maxim that the King’s writ does not run into Wales, yet this rule is not without exceptions. Prerogative writs are those exceptions, and it has been laid down more than once by Lord Mansfield and the Court of King’s Bench that a *certiorari* might be granted upon motion in court on proof of a sufficient cause, such, for instance, as that an impartial trial could not reasonably be expected in the Welsh county. There is a case upon this subject in Douglas’s Reports. In point of practice I do not immediately recollect any cause so removed from our Circuit, though I do remember some improper attempts to remove causes upon *certiorari* unduly obtained, which we thought it our duty to disregard.

Temple’s recollection concurred with that of the Judge. He stated that he had never known of any case being removed from the Chester Circuit by *certiorari*. “I have known,” he added, “a *certiorari* tendered to the Judges, but they have refused to receive it, holding that they themselves had a concurrent jurisdiction in all civil matters with the Judges at Westminster Hall”. He went on to give an instance in point in an action brought by

Sir Watkin Williams Wynn against one Hughes, where Mr. Justice Burton refused, citing the authority of Lord Kenyon, who had been Chief Justice of Chester, to receive a *certiorari*.

But what the Chief Justice of Chester, who may be termed the head of the Welsh Judiciary, was able and ready to do, was not possible on some of the other Circuits. Mr. Justice Heywood of the Carmarthen Circuit stated that on one circuit twenty-six causes were taken away by *certiorari*, most or all of which might have been tried in their course. The motions were always made for the purposes of delay.

"I never remember an instance of its being moved on the ground that the party was not likely to have a fair trial at the Great Sessions.¹ The defendant knows that if the verdict is likely to go against him by the judgment of the Sessions, execution would follow immediately, and thereupon he removes the cause into the King's Bench, which would give him six or eight months delay. The King's Bench could restrain the abuse; but in fact rules for *certiorari* are obtained without any special showing."

The learned Judge did not specify of what Circuit he was speaking, but it is fairly certain that he was not speaking of his own Carmarthen Circuit, which was probably the most important of the purely Welsh Circuits. Charles Morgan, Solicitor and Clerk of the Peace of Carmarthen, stated in his evidence that he had known of only two instances of rules of *certiorari* issuing, and they had been quashed,—presumably in the same way as they had been blandly ignored by the Judges of the Chester Circuit.

¹ *i.e.*, the only cause justifying the grant of *certiorari* mentioned by Lord Mansfield. One case is to be found in the books (*Daniel v. Phillips*, 1792, 4 T. R. 499) where an action for less than 40s. damages was removed by *certiorari* into the King's Bench from the Carmarthen Great Sessions on the ground that the Excise Officers who formed one of the parties could not have had an impartial trial in the local court.

It is difficult to see how the practice arose. Nothing in the Act of 1542 warranted the action of the Courts at Westminster. *Practica Wallie* knew nothing of such a practice in 1672. It was an abuse which grew up in the eighteenth century, when the jealousy and hatred, which the Westminster Courts felt of old towards the Council of the Marches, were transferred to the local Welsh Jurisdictions of the Great Sessions. The fact that the Chester Justices were allowed to ignore, and the Carmarthen Justices to quash, the writ is eloquent of the precariousness of the position taken up by the English Courts. But that this power, so obtained, should be exercised "without any special showing" was plainly intolerable. Sec. 23 of the 1824 Act enacted that in future

"no writ of *certiorari* shall be granted . . . to remove any action, etc., . . . originated or commenced . . . in the Courts of Great Sessions . . . unless seven days notice in writing (has been given) to the other party . . . and unless the party so applying shall, upon oath, show to the Court in which application shall be made sufficient cause for issuing such writ, and so that the (other) party . . . may have an opportunity to show cause."

Secs. 19-22 dealt with another branch of the same evil. 13 Geo. III, c. 51 (Rice's Act) had attempted to stay the nuisance and scandal of plaintiffs bringing actions against the defendants resident in Wales "in the English county next adjoining", which meant Shropshire and Herefordshire. The practice had been so abused that, as has been seen, in 1773 it was enacted that if a plaintiff recovered less than £10 in a personal action in an English Court while the defendant resided in Wales and the cause of action arose there, he should be non-suited with costs. The Act of 1824 raised the limit from £10 to £50.¹

Lord Cawdor cordially disliked this provision, which

¹ Sec. 21.

had, according to him, the effect of largely increasing the work of the Court of Great Sessions, and of causing much congestion of business.

(iv). RELATIONS WITH OTHER COURTS.

Two sections of the Act of 1542 regulated the relations of the Court of Great Sessions with the Courts of Ludlow and London. Sec. 4 gave the President and Council "power and authority to hear and determine by their wisdoms and discretions such causes and matters as be or hereafter shall be assigned to them by the King's Majesty, as heretofore hath been accustomed and used".

Sec. 113 enacted that

"all errors and judgments before any of the said Justices at any time of the Great Sessions, in pleas real or mixed, shall be redressed by writ of error, to be sued out of the King's Chancery of England, returnable before the King's Justices of his Bench in England, as other writs of errors be in England. And that all errors in pleas personal shall be reformed by Bills to be sued before the said President and Council of Wales, from time to time as the party grieved will sue for the same."

The Court of Ludlow therefore had a general concurrent jurisdiction—common law and equitable—with the Court of Great Sessions; and it had an appellate jurisdiction in personal actions. After the abolition of the Council of the Marches in 1689, the appellate jurisdiction was transferred to the House of Lords. The King's Bench had an appellate jurisdiction in real and mixed pleas.

As Welsh litigants were anxious to bring their actions in England in the eighteenth century, so in the sixteenth century they thronged to the Court at Ludlow. Gerrard, one of the Judges of the Court, in his "Discourse" in

1575, dwells on the popularity of the Court, especially in small causes. He states that

“there are nowe four termes in the yere, and in every terme, two or three hundred matters appointed to be harde . . . and acceptinge like number to every of the foure termes in the yere, and like expences in every matter, three or four thousand poundes wilbe gathered at the leste to be expended by yere. . . There are foure moneths in the yere expended in terme tymes and thother eighte moneths in vacac'on, one weeke with another throughowte the yere, there passeth an hundred or two hundred proces, and in every terme there are ended in after noone Rules one with another, by Commission to frendes,¹ by wager of lawe, and by dismission upon thaunswere 200 matters. From sixe of the clock in the morninge untill sixe of the clock in the evening (allowing them a dinner tyme) before noone, and after, the Counsaill sitt in Cortte.”²

In his “Abbreviated Discourse”³ Gerrard speaks of the smallness of the amounts in dispute.

“It is moste true that the bodie of the comunaltie of Wales are pore and their estate to be lamented of every pitiful and carefull Magistrate (I call to godd to witnes wth greete and pitie of their smarte I speeke yt) whoe come and goe to and from that Courte in the yere, and the small causes wth theye travell for when they come to hearinge, meeter for a meane und^r Stuarde at a Leete or lawe daie to be decited (decided) than for a Counse(ll) settled for government to be occupied wth all. . . .”

George Owen in *The Dialogue of the Government of Wales* mentions many “defects” in the administration of justice, and among them were the “smallnes of charges accorded to the injured partie at the Counsell of the Marches” caused “many troublesome sutes and much wrong”, and the “multitude of small sutes and frivolous”.⁴

In order to remedy these defects, Gerrard made certain

¹ *i.e.*, arbitration.

² *S. P.*, Eliz., Dom., vol. cvii, No. 21.

³ *Ibid.*, No. 10.

⁴ *Owen's Pembrokeshire* (ed. Henry Owen), vol. iii, p. 115.

proposals, only two of which need be referred to particularly here. The first was

"If complainte be made for trespasse or wrongful entringe or disturbinge of the freehold of any, or the possession of any term or for yerres or att will and surmise that he is not of habilitie to trye the Comen Lawe in the Countie where the wrong was comitted and therefore for unequalitie praye to be harde in that Cortte, Noe proces to be granted upon any suche bill excepte the complaint be first exhibited to the Justice of Assize within that countie where cause of suite ariseth and he by lettres or other note of allowance recomende the hearinge of the same for that cause to the Counsaill."

The second was an anticipation of one of the provisions of Rice's Act.

"No proces be graunted for the appearance of any before this Counsaill excepte the value thereof exceed fortie shillinges; if any surmise be made upon the value of the thinge sued for excede xls. and then upon prooffe it falleth out to be under the value of xls., then upon the hearinge the plaintiff to paye the defendant costes. And in consideration of his false surmise, although the matter upon exai'acon falle owte with the plaintiff yett the defendant to be dismissed."

The fact that the evils which Gerrard mentioned in 1575 still existed when George Owen came to write his "Dialogue" twenty years later is proof that Gerrard's recommendations were not carried out. Still it is clear that the relations between the Court at Ludlow and the Court of Great Sessions were harmonious. The reason is not far to seek. The Judges of the Ludlow Court were largely drawn from the Bench of the Great Sessions, and the Council of the Marches was genuinely anxious not to encroach overmuch on the common law jurisdiction of the local courts. The Chief Justice of Chester and his fellows were members of the Council. "Indeed the Justice of Chester was always the chief working member, and in

various ways exercised supervision over them. . . . Care was taken, in issuing instructions to the Council, to provide for the absence of the legal members on circuit. . . . Appeals in personal actions lay from the Courts of Great Sessions to the Council. Instances of conflict of jurisdictions between the two bodies are not common."¹

As long as the Council survived, the Court of Great Sessions was not seriously interfered with by the Westminster Courts. The Council suspended its sittings from 1641 to the Restoration. Shortly after the Restoration we find for the first time that the equitable jurisdiction of the Great Sessions was questioned.² The Council had been the object of the hostility of the Common Law Courts of Westminster during the first forty years of the seventeenth century.³ Its suspension during the Civil War and the Commonwealth was the prelude to the end. It never recovered its old vitality, and it was quietly and without protest extinguished after the Revolution of 1688. At first sight it would have seemed as if its disappearance would strengthen the position and enhance the influence of the Courts of Great Session. This, however, was not the case. The abolition of the Council made the survival of the equitable jurisdiction of the Great Sessions somewhat ludicrous in its incompleteness and imperfection. The jealousy of the Westminster Courts was transferred to the local jurisdiction, which early in the eighteenth century began their attempt to bring Welsh litigants into their net.⁴ The story of the manner in which the English Courts stole a jurisdiction in Wales is characteristic, and

¹ *Skeel's Council*, pp. 277-8, quoting *A. P. C.*, vol. xii, p. 115.

² *Supra*, pp. 40-41. It is to be presumed that the appellate jurisdiction of the Ludlow Court in personal actions was exercised during the Commonwealth by the House of Lords, though I have found no evidence of this.

³ *Skeel's Council*, c. v.

⁴ "Discourse" (anon.) in *Hargrave's Law Tracts*, i, 359.

it undoubtedly led in the end to the abolition of the local courts.

One or two attempts had been made in the early Stuart reigns to claim for the King's Bench a concurrent jurisdiction in Wales. But such attempts were not successful. At the end of Vaughan's Reports, 395, a treatise is to be found, in which the late Chief Justice of the Common Pleas, *temp.* Charles II, cites a case where all the Judges decided that "a judgment given in Wales shall not be executed in England, out of their jurisdiction, and *a pari*, a judgment, given in England ought not to be executed in Wales". After a lengthy and elaborate argument, the Chief Justice concluded that Wales was a separate jurisdiction, and that "if judgments be obtained in the King's Courts against persons inhabiting in Wales, and process of execution awarded thither, the judgments will be ineffectual".

The great authority of Chief Justice Vaughan had the effect of securing the Welsh Courts from the encroachments of the Westminster Courts for two generations and more. In 1745, however, the attempt was renewed in the case of *Lampley v. Thomas*, where it was argued that a *latitat* out of the King's Bench could run into Wales.¹ It was, however, decided "*brevis Domini Regis de latitat* (and *semble* other mesne process between subjects) *non currit in Wallia*".² In his judgment in *Mostyn v. Fabrigas*, Lord

¹ 1 Wils., 193, v; *supra*, pp. 18-20. "This great question", it is stated in the report, "whether the Court of King's Bench have jurisdiction to send a *latitat* into Wales has been four times most learnedly argued at the bar by gentlemen of the greatest learning and experience."

² The anonymous author of the "Discourse" in Hargrave's Tracts says: "I heard the case of *Lampley v. Thomas* argued . . . This pretence of a jurisdiction in the King's Bench appears to me to be not only unwarranted by law or precedent, but clearly opposed and contradicted by both."

Mansfield said that "if an action is brought here for a matter arising in Wales, you must show the jurisdiction of the Court in Wales. If there is no other mode of trial, that will give the King's Court jurisdiction". Whatever may be said of the soundness of that decision, it came short of claiming a concurrent jurisdiction for the Westminster Courts in actions over which it could be shown that the Welsh Courts had jurisdiction. When, however, the words of the Act of 1542 are recalled, in which as large and ample a jurisdiction was conferred on the Welsh Courts as was enjoyed by the Courts of King's Bench, Common Pleas, and Exchequer, it is difficult to understand how the contingency contemplated by Lord Mansfield could arise.¹

The case of *Lampley v. Thomas* has been generally supposed to have been over-ruled by *Lloyd v. Jones* (1769).² This case is only mentioned in a note to the case of *Penry v. Jones* (1779),³ which would appear to be the case referred to in his evidence before the Select Committee in 1817 by Mr. Justice Burton. But Russell's account of the case shows that a great deal more importance was ascribed to the decision than was warranted by the circumstances under which the decision was given.

"With respect to the case of *Lloyd v. Jones*, though it is said in Douglas that Mr. Justice Yates considered the question in that case very particularly, and delivered a solemn argument upon it, yet its authority has been doubted, and it is to be lamented, if in fact it received a grave decision, that no regular report of it has been published. Different

¹ The writer of the "Discourse" in Hargrave's Tracts retorted: "To what purpose will it be for them to harp upon that old rule, that their Court is not to be ousted of their jurisdiction without negative words, when they never had any jurisdiction of which they could be ousted" (p. 409).

² See e.g., *Owen's English Law in Wales*, p. 25.

³ *Douglas Report*, 203.

accounts of it have been given, and the author is permitted by Mr. Sergeant Heywood, the present Chief Justice of the Carmarthen Circuit, to transcribe the following from a MS. in his copy of Douglas's Reports:—

‘The real history of this case, as remembered by Mr. Sergeant Walker, Mr. Filmer (who has a full note), and Mr. Rudd, is very different from what was stated by Mr. Justice Buller, and given in the note to *Penry v. Jones*. Sergeant Hill was to have argued in support of the plea; but being unprepared, the argument was postponed; and Mr. Justice Yates contented himself with making a few observations, and expressing his doubts whether the plea could be supported. In the next term, Sergeant Hill having been left in the same uninstructed state, threw down his brief, and refused to argue it, and judgment passed *sub silentio* for the plaintiff.’¹

But, however, the practice arose, and whatever the legal position may really have been, it is certain that henceforward numerous cases were proceeded with in England which had their origin in Wales. “The trial at Hereford”, said Mr. Justice Heywood in 1821 “is a means of oppression in the hands of a rich plaintiff against a poor defendant.” This practice, so generated, was constantly cited as something to the discredit, not of the English Courts which invented it, but of the Great Sessions which suffered by it. The evil became so prevalent that, as we have seen, an Act was passed in 1773—four years after the disastrous decision in *Lloyd v. Jones*—which stated that

“whereas, to the intolerable vexation and charge of His Majesty's subjects in the Dominion of Wales, it hath been the practice to commence trifling and trivial suits in the courts at Westminster in order that the same may be tried in the nearest adjoining English county to that part of the Dominion of Wales in which the cause of action has arisen,”

the Act was passed to discourage the practice by limiting the jurisdiction of the English Courts to actions in which

¹ *Russell's Practice*, Intro., pp. xxxii-xxxiii, n.

£10 or upwards were recovered. By the Act of 1824 the limit was raised to £50.

In a note (2) to the case of *Draper v. Blaney* (1680)¹ it is said that the Statute, 13 Geo. III, c. 51, seems very clearly to recognise the jurisdiction of all the courts at Westminster to hold and issue mesne process against parties resident in Wales. It is difficult to resist the force of this contention, though it did not satisfy Russell,² who is supported by *Tidd's Practice*,³ which stated that it was a good plea to the jurisdiction of the Court of King's Bench in local actions to say that the cause of action arose in Wales, or in a county palatine, cinque port, or other exempt jurisdiction.

It may be convenient to summarise what has been said as to the relations of the Court of Great Sessions with the English Courts.

(1) The Court of Great Sessions from its inception exercised an equitable jurisdiction. Until 1641 the Court of the Council of the Marches exercised a concurrent equitable jurisdiction. From 1641 to 1660 the Court of the Marches was in a state of suspense. During that period it is probable that the English Court of Chancery exercised an equitable jurisdiction in Wales. After the Restoration an attempt was made to deprive the Court of Great Sessions, at least, in the newer counties, of its equitable jurisdiction, but the decision in *Pulsath v. Griffith* (1667, 2 Keb. 259), finally confirmed the Court of Great Sessions in its equitable jurisdiction. After the abolition of the Ludlow Court in 1689 its equitable jurisdiction in Wales was exercised by the Court of Chancery, which did the bulk of the equitable work of Wales.

¹ 2 Saund. 194.

² Intro., xxxii, n.

³ *Tidd's Practice*, pp. 632-3.

(2) In the reign of Charles II, a determined attempt was made to extend the jurisdiction of the Westminster Courts into Wales. The various cases are referred to in a note in *Williams's Saunders* (2 Will. Saund. 193) on *Draper v. Blaney* (1680). In that case the question was raised whether a fi. fa. on a judgment of the King's Bench ran into Wales. As the judges were divided nothing further was done. But according to Sir T. Raymond (p. 206) the return of the sheriff of Montgomeryshire, which raised the question, was adjudged ill by Twysden, Rainsford, and Morton, Jj. Vaughan, Chief Justice of the Common Pleas, *temp.* Charles II, was strongly of opinion that the King's Bench had no jurisdiction in Wales. In his learned treatise, which is appended to his Reports (posthumously published by his son Edward Vaughan), he goes into the question at great length, and condemns in strong terms the attempt of the King's Bench to steal the Welsh jurisdiction.

(3) Whether it was owing to the division of opinion among the judges in *Draper v. Blaney*, or the publication of Vaughan's Reports and Treatise, no further attempt seems to have been made by the English Courts to encroach on the jurisdiction of the Courts of Great Sessions in Wales until 1745. It was definitely laid down by the Court of King's Bench in *Lampley v. Thomas*, after four arguments extending over several years, that "breve domini regis de latitat non currit in Wallia" (1747, 1 Wilson 193-206). The anonymous author of the Treatise in *Hargrave's Law Tracts* (i, 359), approves the decision with a wealth of learning and argument. It seemed as if the question had now been finally settled. But in 1769 this deliberate and considered judgment of the Court of King's Bench was reversed by Yates, J. in *Lloyd v. Jones*. Sergeant Hill, who appeared for the

defendant, threw up his brief because he was "imperfectly instructed". Judgment was thereupon given *sub silentio* for the plaintiff. This unfortunate result re-opened the whole question. Litigants took advantage of the opportunity thus afforded them of harassing their opponents by bringing actions in the English Courts, and so intolerable became the situation that, four years after the decision in *Lloyd v. Jones*, the Act, 13 Geo. III, c. 51 (Rice's Act), was passed to mitigate the evil. The Act was afterwards cited (see Douglas, i, 203, and Wm. Saunders, ii, 194) as recognising the jurisdiction of all the Courts of Westminster. When the question came before the Courts in *Penry v. Jones* in 1779, Butler, J. treated it as *res judicata*, and henceforward, in spite of *Lampley v. Thomas*, it became the settled practice to issue writs of *latitat* into Wales.

It is stated in a note to Douglas's Report of *Penry v. Jones*, that the Exchequer writ of *quo minus* always ran into Wales without opposition or question, but if this was so the jurisdiction must have been sparingly used, and no trace of its exercise is to be found in the books.

(4) Another device to steal the jurisdiction of the Courts of Great Session arose in the eighteenth century. It was to remove an action which had been started in the Welsh Courts to the nearest English county by the prerogative writ of *certiorari*. Lord Mansfield defended the practice in cases where it was feared that an impartial trial could not be had in Wales: but writs of *certiorari* were sued out and granted without notice to the other party and without inquiry. The evidence given before the Select Committee of 1817 clearly showed that the sole reason for suing out *certiorari* was to delay the progress of the action. Certain of the Welsh judges refused consistently to recognise the validity of *certiorari* and

ignored their existence; but in some of the Welsh Circuits the frequency with which these writs were granted became a formidable embarrassment to the administration of justice.

The Court of Great Sessions was not, however, blameless in its relations with inferior Courts. There were three ways by which an action could be removed from an inferior court to the Great Sessions: (1) by a writ of *certiorari*, if the inferior court was a Court of Record; (2) by a writ of *recordari facias loquelam*, when the cause depended in the Sheriff's Court, whereby the Sheriff was commanded to record the plaint in his full County Court for the purpose of bringing it up before the Court of Great Sessions; and (3) by a writ of *accedas ad curiam*. When the cause depended in a Lord's Court, whereby the Sheriff is commanded to go to the Lord's Court and cause the plaint to be recorded for the purpose of bringing it up to the superior court.¹

The power to remove cases, when they were ready for trial, from the inferior courts to the Great Sessions, was abused at an early date.² It was enacted by 21 James I, c. 23, that no writ, other than writs of error or attain, sued forth out of the Court of Great Sessions to stay or remove any action commenced or depending in any Court of Record described in the Act, shall be received or allowed by the steward, judge, or officer of the Court to whom such writ shall be directed and delivered, or prevent his proceeding in the cause, unless such writ should be delivered to him before issue or demurrer joined in such cause, so as the said issue or demurrer be not joined

¹ Vaughan's *Practica Wallie*, pp. 29, 30, 32, 33 sq.; Russell, c. xv.

² The superior court did not take the cause where the record left off, but began the proceedings *de novo* (*Gunn v. MacHenry*, 1 Wils, 277, *Turner v. Bean*, Barnes, 345).

within six weeks next after the arrest or appearance of the defendant to such action.¹ Another grievance was that actions removed from an inferior Court of Record to the Courts of Great Sessions, and by those Courts remanded to the inferior jurisdiction, were often times again removed from such inferior court to the Great Sessions. It was therefore enacted by sec. 3 of the same Statute that, if an action having been removed to the Great Sessions from such inferior Court, shall by any writ be remanded, it shall never afterwards be removed or stayed, before judgment, by any writ whatsoever from the Court of Great Sessions. Sec. 4 enacted that if in any cause, not concerning freehold, or inheritance, or title of land, lease, or rent, it shall appear or be laid in the declaration that the debt, damages, or things demanded, do not amount to or exceed the sum of £5, then such cause shall not be stayed, or removed by any writ or writs whatsoever, other than writs of error or attainit.

By 12 Geo. I, c. 29, sec. 3, it was enacted that this should be so, although there might be other actions against the defendant wherein the plaintiff's demand might exceed the sum of £5.

19 Geo. III, c. 70, forbade the defendant except on giving sufficient security to remove any action under £10, and 51 Geo. III, c. 124, sec. 4 (which, however, was only a temporary Act), increased the sum to £15.

It should not be forgotten, however, that the Great Sessions had still the concurrent jurisdiction in actions under 40s. which was conferred upon it by sec. 34 of the Act of 1542.³

¹ Sec. 2.

² The Courts at Westminster were expressly forbidden by 6 Edw. I, c. 8, from entertaining a suit where the sum claimed was under 40s.

(v) ABOLITION OF THE COURT OF GREAT SESSIONS.

It became apparent during the latter years of the eighteenth century that the doom of the Court of Great Sessions was sealed. In vain its lovers strove to reform its procedure and to correct its abuses. It was pursued with relentless hostility. Its process was at least as speedy, as cheap, and as effective as that of the Courts at Westminster. Its system of pleading was less subtle, intricate, and technical. It knew nothing of the sordid fictions of the law, such as *latitat* and *quo minus*. But, ever since the abolition of its sister Court at Ludlow, it had occupied an anomalous position. In 1780 Burke projected a comprehensive plan of economical reform. One of the five bills in which his plan was incorporated was one "for the more perfectly uniting to the Crown the Principality of Wales and the County Palatine of Chester, and for the more commodious administration of justice within the same". His original plan was not to abolish but to reform the Welsh jurisdiction, and to reduce the number of Judges from eight to three. He modified his plan later on. But his campaign was more one of economy than of legal reform. In 1798 a Select Committee of the House of Commons on finance in courts of justice recommended the "gradual consolidation of the four judicatures of Wales into one circuit so as to have an additional number of English judges". Ten years later an additional £3,200 a year was added to the salaries of the Welsh Judges! In 1817 the Ponsonby Select Committee was appointed, but its Chairman died before its work was completed. In 1820 the Select Committee was reconstituted under the chairmanship of the Hon. Frederick Campbell, M.P. for Pembrokehire. In 1821 the Committee issued its final report. It is easy to see that the opinion of the

Committee had been gradually hardening against the Court of Great Sessions. In 1817 the Committee was

“persuaded that the present establishment of the Welsh Judicature, notwithstanding some imperfections, has much to recommend it, from the cheapness and expedition with which it administers justice to the inhabitants of the Principality.”

But the point of view was changed by 1821, when it reported :

“However well adapted these Courts may have been in their origin to the circumstances of a country newly subdued, in which the English language was at that time almost unknown, having little or no means of communication with the seats of justice in England, and liable to all the jealousies inspired by recent enmity, that the lapse of years, and the great changes that have taken place in the condition of Wales, have removed most of, if not all, the reasons on account of which the institution of local jurisdictions were resorted to.”

They repeat some of the points made in the previous Report, and they add others. The main defects of the Courts have already been dealt with. The Act of 1824 removed some of the most serious of them. But Lord Cawdor returned to the charge in 1828. The three remaining defects which he emphasised were:—

(i) The Welsh Judges had too much to do at some Sessions and too little in others.

It is worthy of note that a similar allegation is made to-day against the circuit system.

(ii) The Welsh Judges were too highly paid for their work.

But their salaries had been more than doubled in the course of the previous fifty-five years, and if the salaries were too high, the remedy was obvious.

(iii) The cost of the processes in the Welsh Courts was very much in excess of the cost of similar proceedings at Westminster.

The evidence given before the Committee did not support this allegation. The one exception to the rule that Welsh processes were cheaper than English was the cost of levying fines and suffering recoveries, but that had been put right by the Act of 1824. It should also be noted that Lord Cawdor did not pretend to speak from personal experience of the Courts. He had only the evidence given before the Select Committee to go upon, and that evidence does not bear out his allegation.¹

Lord Chancellor Lyndhurst, who had himself served as Chief Justice of Chester, appointed a Commission² to inquire and report upon the judicial system. It was appointed as the result of a six hours' speech by Brougham on the abuses and defects of the Courts on Feb. 7, 1828. The first Report of the Commissioners dealt chiefly with the Welsh Judicature. It had examined no witnesses,

¹ *e.g.*, Benyon, Attorney-General for Chester, stated that the equitable jurisdiction was "rather expeditious than otherwise, particularly when I contrast it with what happens in London. The expense of a suit in a Welsh equitable Court was considerably less". Heywood said of the equitable jurisdiction that it was "a cheaper, more convenient, and more satisfactory mode of obtaining the object on account of its being nearer home than the equity courts in this country". Temple said that the "equitable jurisdiction of the Court is infinitely less expensive than it is in England; its quickness as well as its cheapness are its great recommendations; in some cases the party is able to obtain a decree in one Session, or at all events he is sure of it in the next Session". Freshfield, of Kaye, Freshfield and Kaye, Solicitors to the Bank of England, stated: "I should prefer lending on Welsh security . . . on account of the greater facility of foreclosure. In Wales we get it in the first Session; in England in five or six years". It was universally admitted that cheapness and expedition it was impossible to surpass the action of *concessit solvere*. The Select Committee reported in 1817 that the Welsh process was cheaper than the English, and the subsequent evidence only served to support that conclusion.

² The Commissioners were Sergeants Bosanquet and H. J. Stephen, E. Hall Alderson, James Parke and John Patteson.

but founded its recommendations on the Reports and evidence of the Select Committee 1817-1821. It recommended the extension of the jurisdiction of the Superior Courts of England to Chester and Wales, the appointment of three additional Judges, and the abolition of the Court of Great Sessions.¹

The Government adopted the principal recommendations of the Commissioners. On March 9, 1830, the Attorney-General Sir J. Scarlett moved for leave to bring in "a Bill for the more effectual administration of Justice in England and Wales" embodying the main features of the Commissioners' plan. On the same night the Hon. Rice Trevor, M.P. for Carmarthenshire, presented a petition from the freeholders of the county.² The petition stated that the "Welsh law . . . was in fact the old English law differently, and in some respects better, administered". Sir John Owen, M.P. for Pembrokeshire, presented a petition from between 1,800 and 1,900 freeholders of the County of Pembroke, and Jones Jones, M.P. for the Carmarthen Boroughs, a petition from the Sheriff, Magistrates, and Burgesses of Carmarthen and Kidwelly, protesting against the proposal to abolish the Court of Great Sessions. The member for Carmarthen made the

¹ Some of the proposals made by the Commissioners would never have been made if they had examined witnesses. They over rode all national and local divisions. Wales as a legal entity was to be eliminated. Part of Montgomery was to be attached to the Shrewsbury Court, Denbigh and Flint to Chester, Radnor to Hereford, the Glamorgan Assizes were to be taken from Cardiff and held at Neath, and South Wales was to be added to the Oxford Circuit. Fortunately the Government refused to accept these suggestions.

² Very interesting reports of meetings held in Carmarthen and Pembroke in 1820 are given in the first volume of the *Cambro-Briton* (pp. 396 and 439), which show that while Welshmen were fully alive to the defects of the Courts of Great Sessions, they desired and demanded their reform and not their abolition.

first of a series of speeches against the Bill. He trusted that no attempt would be made, as had been threatened, to hurry the Bill through the House before Easter. He looked upon the proposed plan as an untried experiment, of which the good was doubtful, and before it was carried into execution, he wished that the Bill should be printed and circulated in Wales for at least a twelvemonth. The Welsh had not complained of the present system. It had been said that whether the Welsh liked the measure or not they would have to swallow it. He complained that the nature of the Bill had been kept as secret from those it was to affect as if it were a State mystery. Col. Powell, M.P., presented another similar petition from Cardiganshire.

The motion of the Attorney-General to bring in the Bill was opposed by O'Connell as the Bill would be useless to the public, and by Sir J. Owen, M.P. for Pembroke-shire. John Jones made another strong speech against the measure. "It is hard," he said, "that the interests of Wales should be made the ladder by which ambitious barristers are to climb to such preferment as three additional seats on the Bench. It is admitted on all hands that the Welsh are attached to their present institutions. . . . All the petitions except one are against the measure". After a brief and perfunctory debate, the motion was agreed to without a division, and the Bill was read a first time.¹

The second reading was taken on April 27. Frankland Lewis, M.P. for Radnorshire, and Col. Wood, M.P. for Breconshire, criticised the Bill. The member for Carmarthen made another outspoken attack. He accused the Commissioners of being completely ignorant of Wales and its inhabitants; he complained of the unfair treatment

¹ *Hansard* (2nd series) *Par. Deb.*, vol. xxiii, col. 54.

of him and other Welshmen who had assisted them ; two of the Commissioners were Sergeants-at-Law, and were therefore prejudiced;¹ last year £13,000 had been recovered in the Carmarthen Great Sessions at a cost of £5, and he again insisted that there was no demand for the Bill in Wales. C. W. Wynn, M.P. for Montgomery, was the only Welsh Member who spoke for the Bill. The Hon. Rice Trevor urged that the Bill would entail great additional expense on Welsh suitors. After a short reply from the Attorney-General, the Bill was read a second time without a division.

The Bill passed speedily through Committee, but was recommitted on June 18. On the same date J. Jones presented a petition against the abolition of the Welsh Courts from Welshmen residing in and near London. He pointed out that in England it was not worth while to sue for less than £50 ; in Wales there was seldom a claim over that amount, while the costs were only £1. Again, sham pleas were unknown in Wales, because all the pleadings were regulated by the Justices, and every plea had to be verified on oath. Harvey, M.P., seconded. On July 2, the Bill went through Committee, and on July 17 it was read a third time. It passed through the House of Lords in spite of the objection of Lord Eldon, and in due course it became law. The preamble of 1 Will. IV, c. 70, does not disguise the object of the enactment :

“Whereas the appointment of an additional Judge to each of His Majesty’s Courts of Common Law would cause much greater facility and despatch of business therein : and whereas it is expedient to put an end to the separate jurisdiction for the County Palatine of Chester and the Principality of Wales.”

¹ Because the Sergeants had no monopoly of promotion to the judicial bench in Wales. It is curious that four out of the five Commissioners were subsequently promoted to the Bench.

The Welsh Judicature fell a victim, not to its own defects, which were being gradually remedied, but to the desire of English lawyers to have three additional Judges on the High Court Bench. Can anyone read Brougham's famous speech and contemplate without apprehension the substitution of the system which he so unsparingly condemned for the Welsh system with all its drawbacks? Additional Judges were no doubt necessary for England, and fewer Judges could do the work satisfactorily in Wales with a better arrangement of terms. Brougham asked for two additional judges, for he said that "the Judges of the Court of Exchequer do not sit for more than half an hour some mornings, and there are hardly ever on the paper more than 6 or 7 causes for trial after term. A dozen would be considered a large entry". But the English Bar demanded an additional judge for each of the Westminster Courts, and they got them at the expense of the Welsh Judicature. Oldnall Russell had replied to the demand in advance.

"It is said that a benefit would be derived to the public from the services of the two or three English judges, whom it would be necessary to appoint . . . But it may be doubted whether considerations of this kind can properly be brought to bear upon the question. . . . It does not seem too much to assume that the present inquiry should be made principally, if not entirely, with a reference to benefits and advantages to be derived to the people of Wales, to whose suit English laws and the Courts of Great Sessions were conceded, and amongst whose rights and privileges the jurisdiction of these courts, according to their present establishment, must be enumerated.¹

The Courts of Great Sessions were, however, abolished in 1830, and the English circuit system took its place. Wales and Cheshire were formed into two circuits, the North Wales and Chester Circuit, and the South Wales

¹ *Russell's Practice*, Intro., p. xxxvi.

and Chester Circuit. The change was opposed by all the Welsh Members of Parliament, with one exception. It was protested against by the vast majority of judges, counsel, attorneys, and suitors who were called upon to give evidence; with one exception every petition presented to Parliament was adverse to the proposed abolition of the Courts. During the last eighty years Wales, from being a poor and sparsely populated country, has become rich and populous. The introduction of County Courts in 1846, the various Summary Jurisdiction Acts, and the Judicature Act of 1873 have effected great and vital reforms in our system of administering justice. It is therefore true to say to-day that Wales does not suffer more than other parts of the country from the defects of the English judicial system. But the economic, industrial and juridical revolution which has taken place during the last two generations should not blind us to the real nature of the dangers so recklessly incurred in 1830. They have been admirably summed up by a modern historian who is also a lawyer.¹

“For some years the Act inflicted considerable hardship on Welsh suitors. There being no County Courts on the modern basis till the Act of 1846 had passed, and the local courts having only jurisdiction up to 40s.,² it was necessary to bring an action in London even to recover trivial debts, and as the local equitable jurisdiction had been determined, the administration of the smallest estate had to be effected through the medium of the Court of Chancery. The proceedings, too, in an action, commenced in a Superior Court and tried at a Welsh Assize were much more dilatory and expensive than those in a suit of the same kind in the Great

¹ Sir D. Brynmor-Jones, K.C., in Rhÿs and Jones's *The Welsh People*, at pp. 391-2.

² But see 12 Geo. I, c. 29, and 19 Geo. III, c. 70, and 51 Geo. III, s. 124.

Sessions. Again, though the Welsh Justices were not the equals of the English Justices in status at the Bar, or, as a rule, in legal attainments, they came in a little time after their appointments into close touch with the people and generally secured their confidence. For many years the want of sympathy of the English Judges going the Welsh Circuits, their ill-concealed assumption that Welshmen were beings inferior to Englishmen, their apparent total inability to understand that a man who could speak a few words of a foreign language in a market-place or society might decline to give evidence in it in a Court of Justice and yet be an honest man, produced very often great popular (though in those days not overt) indignation, and sometimes grave miscarriage of justice. The establishment of the modern County Courts, and the gentler and more tactful treatment of Welsh witnesses by the Judges of the High Court during recent years, have done much to remove any grievances special to the people of Wales in regard to the administration of justice.

It might be added that in 1830 the practice of the English Courts was unreformed. The terrors of "mesne process" so vividly described by Brougham were still present; arrest and outlawry still threatened the defendant; all manner of stupid legal fictions prevailed; the system of pleading and procedure was over-run with technicalities. When the old system of the Welsh Courts, so cheap and expeditious, is remembered, it may be doubted if Wales would not have fared better if her historical Judicature had been reformed of its defects, instead of being abolished in order that a more cumbrous, costly and technical system might take its place. The simplification of pleading and procedure during the last forty-two years has been a notable feature of legal reform, but the attempt made in 1873 to amalgamate law and equity has largely failed, and even the procedure in our Commercial Courts, direct and non-technical as it is, falls short of the sweet simplicity of the old *Concessit Solvere*.

(vi). THE RECORDS.

Section 27 of the Act of 1830 enacted that the records, muniments, and writings of the several Courts abolished by the Act should, unless otherwise provided by law, be kept by the same persons and in the same places as before the passing of the Act. In 1838 the Public Records Act was passed, which placed the Records of the Courts of Great Sessions in the charge and under the superintendence of the Master of the Rolls, and in the following year Lord Langdale commissioned Mr. W. H. Black, an Assistant Record Keeper, to survey the Records of these Courts. In March 1840, Mr. Black presented his Report. Such of the Records as were then in custody of the Clerks of the Peace were universally in disorder, and many Records had been allowed to remain in the possession of the last officers of the Courts. He suggested that the Records of South Wales should be sent to London, and those of North Wales to Chester. Nothing, however, seems to have been done in the matter before 1854, when all the Records were brought up to the Record Office in Chancery Lane.¹

Black's Report of forty-two folio pages is full of interesting information as to the nature and condition of the Records which he saw. "No return or report was ever obtained" from the Chancery of Carmarthen, Pembroke, and Cardigan, and he found no Exchequer Records. Bicknell, the Registrar, who lived in London, had some records in his possession. Welshpool and Haverfordwest had "the best separate buildings in Wales for the custody of Records", though after his visit a new building was erected in Carnarvon.

It may be mentioned here that Returns were made to

¹ See p. 1 of the 16th Report, and p. 38 of the Appendix to the 17th Report of the Deputy Keeper of the Records.

the Inquiries of the Parliamentary Committee of 1799 and the Record Commission of 1800-1837, which include brief descriptions of the Records of the Great Sessions.

In 1910 a Royal Commission, under the chairmanship of Sir Frederick Pollock, was appointed to inquire into the working of the Public Records Acts, and other matters connected with the custody of Public Records.¹ It found that the Welsh Records “remained in practically the same state down to the year 1908, in spite of the fact that the original intention of the authorities of the Rolls had been to preserve and dispose of them in a manner in all respects most useful to the public”;

“Indeed, in the first pronouncement of Lord Langdale on the subject of record policy, we read that the Records of the abolished Courts of Wales are amongst those which required the earliest attention. This attention is defined as follows: ‘that the Records may be cleaned, repaired,

¹ The Members of the Royal Commission on Public Records are described in the Introduction to the First Report as follows:—

The Rt. Hon. Sir Frederick Pollock, Bt., LL.D., D.C.L., F.B.A., etc. (Chairman): Sir E. Vincent Evans, Knt., Secretary of the Hon. Society of Cymmrodorion, Governor of the National Library and National Museum of Wales: Professor C. H. Firth, M.A., LL.D., D.C.L., Regius Professor of Modern History in the University of Oxford: M. R. James, Esq., Litt.D., F.B.A., Provost of King's College, Cambridge: Sir F. G. Kenyon, K.C.B., D.Litt., LL.D., Director and Principal Librarian of the British Museum: Sir Sidney Lee, Knt., LL.D., D.Litt., Editor of the *Dictionary of National Biography*: Henry Owen, Esq., D.C.L., F.S.A., Treasurer of the National Library of Wales, Vice-Chairman of the Hon. Society of Cymmrodorion: Henry R. Tedder, Esq., F.S.A., Secretary and Librarian of the Athenæum Club, Treasurer of the Royal Historical Society; W. Llewelyn Williams, Esq., M.A., B.C.L., M.P., Recorder of Swansea, Governor of the National Library of Wales: Hubert Hall, F.S.A., Secretary, Assistant Keeper of the Public Records: and David R. Daniel, Assistant Secretary.

sorted, covered, ticketed, and bound or placed in boxes on an uniform and systematic plan, whilst *complete* chronological repertories, inventories, and catalogues of the Records should be formed. . . . ' The Welsh Records (1854) were temporarily piled up in several different rooms, and no attempt was made to bring them together till 1859, whilst no general list of their contents was completed until a still later date. . . . Between 1859 and 1862 greater progress was made in the work of repairing, arranging, and cataloguing the Welsh Records . . . and a MS. 'Class List' was produced which continued in use down to the recent re-arrangement of these Records in 1908, which is still in progress. . . ."¹

In their first Report, the Commissioners recommend that all Welsh Records, including those relating to Flintshire, which were transferred to London since the Act of 1838, should be re-transferred to the Principality for preservation in a Record Office for Wales. One of the Welsh members has introduced a Bill into Parliament on two occasions with a view to carrying into effect the recommendation of the Commission,² but the Bill has not yet been read a second time.

(vii) AUTHORITIES ON WELSH PRACTICE.

(1) The first book dealing with the practice of the Court of Great Session was *Practica Walliæ*, by Rice Vaughan, a barrister of Gray's Inn (London, 1672).

¹ The whole of the three valuable monographs on the Welsh Judicial Records, printed in Appendix x, pp. 143-160, and prepared by Professor Firth, Mr. Hubert Hall (the Secretary to the Commission), and Professor E. A. Lewis of Aberystwyth is worthy of careful study. Further references to these Records will be found in addresses recently delivered before the Hon. Society of Cymmrodorion by Sir Frederick Pollock and Professor Firth, and printed in the *Transactions* for 1914-15, with an Appendix by Mr. Hubert Hall.

² The Bill was introduced in April 1913 and 1914 by the writer of this article, Mr. W. Llewelyn Williams, K.C., M.P., who is a member of the Royal Commission on Public Records.—V.E.

(2) A MS. book of practice on the Brecknock Circuit, dated 1725, is preserved at the Royal Institution of South Wales at Swansea.

(3) In 1792 Foley, the secondary of the Carmarthen Circuit, published his *Practice* at the Carmarthen Great Sessions.

(4) In 1795 Charles Abbott, afterwards Lord Colchester, published his *Jurisdiction and Practice of the Court of Great Sessions in Wales (Chester Circuit)*.

(5) In 1814 W. Oldnall Russell, afterwards Sir W. Oldnall Russell, Chief Justice of Bengal, published *The Practice of the Court of Great Sessions (Carmarthen Circuit)*.

(6) In the Record Office is preserved "Rules and Orders of the Court of Chancery of the Great Sessions for Brecknock: a Book of Practice, 1818".

(7) In 1828 a Swansea Attorney named W. Jones published a small book dealing with "The Practice of the Court of Great Sessions in Wales".

(8) A MS. book of practice, compiled by the Prothonotary of the Chester Circuit evidently towards the latter end of the eighteenth century, is in the possession of the Rev. R. Peris Williams of Wrexham.

(9) Oldnall Russell constantly quotes from "Obs. on the Stat." which was a MS. book of practice in the possession of the Prothonotary of the Carmarthen Circuit. What became of it is unknown.

(10) The Llwynwormood Black Book, in the possession of the present writer, is a book of precedents kept by a practitioner at the Carmarthen Great Sessions in the reigns of Anne and George I.

(11) In the Record Office there are a large number of documents which throw light on the practice of these Courts, such as Paper and Parchment Pleadings on the Chester Circuit from 1730, on the Carmarthen Circuit

from 1689, Gaol Files (Carmarthen) from 34 Hen. VIII, Fines from 1560, Docket Rolls from Elizabeth, Bill Books (Brecon) of late date, Docket Books (Chester) from 1509, and the old Welsh Court Books generally, together with the Plea Rolls of the Court of Great Sessions from 1542 to 1830.

ERRATA.

Page 11, line 24—for *or*, read *nor*.

„ 11, „ 31—for *solva*, read *solvere*.

„ 39, „ 31—transpose “*it to*”.

„ 42, „ 17—after Lyttleton, place semi-colon.

„ 45, „ 24—delete “*twelve common law*”.

„ 56, „ 33—for *forces* read *form's*.

„ 65, „ 26—after “*jurisdiction*” full stop.

„ 65, „ 26—delete *which*; for *early* read *Early*.

„ 65, „ 27—after *century* insert *they*.

„ 68, „ 16—after *however* delete comma.

„ 69, „ 25—after *at least* delete comma.

„ 69, „ 26—for *Pulsath* read *Pulrath*.

The Welsh Inscriptions of Llanfair Waterdine.¹

BY THE LATE RIGHT HON. SIR JOHN RHÛS, D.LITT.,

Chairman of the Royal Commission on Ancient Monuments (Wales).

LLANFAIR WATERDINE is about five miles from Knighton on the Shropshire side of the river Teme, but on the Welsh side of Offa's Dyke. As there were many Llanfairs or St. Mary's Churches in Wales, the name of the locality had to be added, but in one, at least, of the documents in point *Llanfair* is not used, but simply *Waterden*. In the Middle Ages the Church was a chapelry of Clun, the patron being the Cluniac priory of Wenlock. Clun was an extensive district at one time, doubtless embracing not only what is still known as Clun but also Clunton, Clunbury, and Clun-

¹ On the 25 Nov. 1915, some three weeks before his unexpected death, Sir John RhÛs wrote offering some "notes on the interpretation of a little inscription on the altar rail in the Church of Llanfair Waterdine" for publication in *I' Cymmrodor*. His offer was, of course, gladly accepted. A few days later he wrote "I think that a fortnight will be enough for me to round it off and to have some queries answered by some persons whom I want to question". On his last visit to London (15 Dec. 1915) he informed us that the paper would be sent in the course of a very short time, but before three days had elapsed he had, after a long and busy life, "gone to rest". His paper, not yet finally "rounded off", was kindly handed to us by his daughters, and is here reproduced much as it was left, supplemented only by a few notes and corrections supplied by Professor J. Morris Jones and Prebendary Clark-Maxwell, with both of whom Sir John RhÛs had been in communication, and to whom we are indebted for further assistance.—V.E.

gunford.¹ The whole formed a part of the great Fitzalan fief. It seems to have remained Welsh-speaking up to a comparatively late date, and Miss Burne, of the Folk Lore Society, in studying the dialect of English spoken, found some Welsh words still in use there, such as *muchyn*, pronounced with the Welsh *ch*, being the Welsh word *mochyn*, “a pig”.²

During the last six or seven years I have received from time to time letters asking what I could make of the inscription on the altar rail in Llanfair Church. One of the most remarkable of them reached me through a friend, and it was printed matter emanating from the Block Engraving Department of *The Illustrated Western Weekly News*, consisting of the inscription still at Llanfair engraved at the top of the page, occupying the whole width of the page, and bearing the date of January 4, 1913—I mention this as the Editor may still have copies of that excellent reproduction to spare. Above it the readers of the *Western Weekly News* had staring them in the face in great, big, black letters, the question—

WHO CAN DECIPHER IT?

A brief note explains that, while the inscription had been

¹ On this point Prebendary Clark-Maxwell writes:—“This it certainly did as well as Bettws-y-Crwyn, and Llanfair Waterdine itself, and the district was often spoken of as Clunesland.”—V.E.

² In the MS. occur at this place the words: “The manners and customs of Clun”, followed by a blank, indicating that Sir John Rhys intended to insert either a reference to Miss Burne’s paper, or a paragraph dealing with the Welsh character of the manorial customs of Clun. Prebendary Clark-Maxwell informs us that these are discussed at some length in a paper by the late Thomas Salt, read at the Shrewsbury meeting of the Archæological Institute in 1855, and since reprinted in Vol. xi of the *Transactions of the Shropshire Archæological and Natural History Society* (1888). Typical customs are those of the payment of “Kilgh” (= Welsh Cylch) rents and the servile custom of “Amobyr”, which was very similar to that of *merchet* in English manors.

supposed to be "Ancient Celtic", a European gentleman who had been formerly stationed on the North-Western Frontier of India, could, from his acquaintance with inscriptions in the Pali script, declare the lettering to be that of the Pali language! But he did not seem to be able to guess how the ancient Pali text came to be found on the altar rail of Llanfair in the Valley of the Teme.

The first enquiry I received reached me in the summer of 1909; it came from the Venerable Archdeacon of Ludlow, who had been consulting the learned men in charge at the British Museum, one of whom mentioned my name. In a second letter the Archdeacon enclosed a picture postcard photograph of the inscription and a note on the latter, and on the history of Llanfair and Clun, from a friend of his of whom he entertained a high opinion as a sound antiquary. He has since put me in communication with his friend, and he proved to be Prebendary Clark-Maxwell, rector of St. Leonard's, Bridgnorth, who had in the meantime written to me direct. With one or two exceptions his reading coincides with that finally adopted in this paper, but as he does not trust himself in Welsh he does not give a systematic interpretation of the whole. His summing up of his impressions of the inscription is, "(1) that it is quite certainly of fifteenth century date, more probably early in the century than late; (2) that the inscription is complete; (3) that it is an attempt, probably by an illiterate carver, to copy something written in the ordinary script of the time;¹ (4) that the language must be Welsh, probably bastard Welsh of the Border, and spelt phonetically according to the corrupt pronunciation of the district".

The other letters I have before me contain nothing of

¹ The same view has been independently suggested to me by Professor John Morris Jones of Bangor.

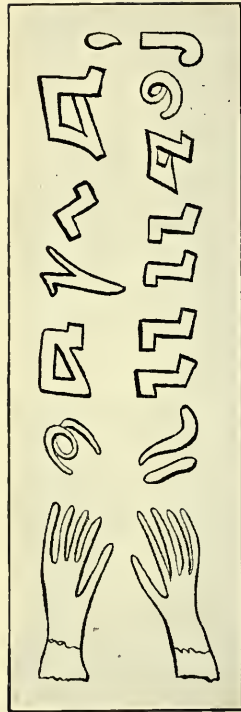
importance by way of helping me to an interpretation of the inscription; but the Rev. H. E. Mason, Vicar of Llanfair, continued to urge me to give him my interpretation of the whole, both lettering and sense. So Mr. Edward Owen, Secretary to the "Royal Commission on the Ancient and Historical Monuments and Constructions in Wales and Monmouthshire", and I resolved to visit Llanfair the next time we got anywhere near the Teme Valley. We managed to do so one day in the month of July 1914, but we were unlucky enough to find that the Vicar had been obliged to go away that morning for the day. We found that there was nothing to correct in the photograph of the inscription on the rail of the altar, formerly on a part of the rood-screen. And here let me state that I owe the account of the Llanfair rood-screen, inserted in this paper (see *Note* p. 114), entirely to my friend Mr. Edward Owen, who found time also to make a diligent search for the other inscription. For we now know that about 1847 there were two inscriptions, both in the rood-screen, a complete one and a fragment of another.

This leads up to a story with which I ought perhaps to have begun. For it is not the first time the longer inscription has been discussed, I mean the one now on the altar rail. If the reader will turn to the second volume of the *Archæologia Cambrensis*, dated 1847, he will find pages 298-314 devoted to a paper by Sir Samuel R. Meyrick on that inscription. The paper had not been originally intended for the Cambrians, for he tells his Cambrian readers (p. 311) that he had submitted it about two years and a half previously to the Society of Antiquaries, but, as he goes on to say, "they, as a body, felt indisposed to order that paper to be printed", at which Sir Samuel could not conceal his chagrin. But the negative attitude of the Antiquaries did them great credit, for anything more

mad than Meyrick's paper is not easy to conceive. He had got into his head the notion that the inscription consisted of a bit of ancient music, in fact "a chant in alphabetic musical notation", and his astonishing certainty that he was right seems not to have been shaken in the least by his confessed inability to translate even a single phrase or sequence of that chant into modern notes. This would be somewhat as if I insisted on the inscription being Welsh without my being able to translate one word of it into English.

It is not quite clear¹ that Sir Samuel was aware of the existence of the other inscription, a fragment consisting of two words, one of which was *Maria*, for he mentions two men who differed from him, in this wise, p. 311:—"One has fancied that the word *Maria* can be traced in it, and if so we must regard it as Latin; another supposes it to be Welsh, because that is a language with which he is unacquainted." The first man to whom he alludes had better knowledge probably of the fragment on which *Maria* was easy enough to read, while it would have puzzled anyone, however imaginative, to find that name in the complete inscription about which Sir Samuel had written with widely scattered learning. But when what he had thus written appeared in print in the *Arch. Cam.* a correspondent (signing himself *W.*) sent the editors "a facsimile of the remaining inscription in the Rood-skreen at Llaufair Waterdine, and which has not been given in the plate already published in No. VIII, *Arch. Cam.* (Vol. ii, p. 309)". The plate mentioned is Sir Samuel's, containing the engraving of the inscription on which he was writing (see illustration no. 2). *W.*'s facsimile is here reproduced, with due acknowledgments (see illustration no. 1), from *Arch. Cam.*, Vol. iii, p. 271.

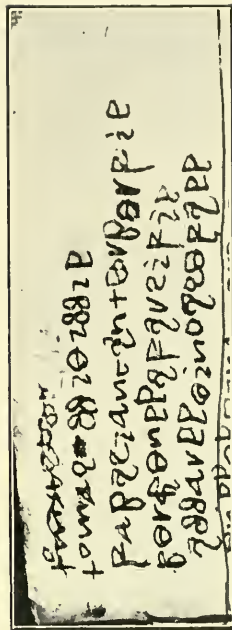
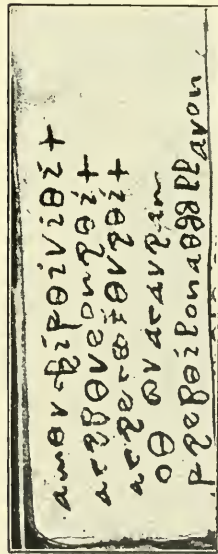
¹ See p. 108.



No. 1. *Inscription on Rood Screen at Llanfair Waterville (see p. 92).*



No. 2. *Inscription on Rood Screen at Llanfair Waterville (see p. 92).*



No. 3. *Facsimile lines from Peniarth MS. 54, pp. 434 and 377 (see p. 113)* No. 4.

I have not yet done with my indebtedness to my friends in the course of this paper: there remains to be mentioned my former pupil and actual friend, Professor J. Morris Jones of the University College of North Wales. After having repeatedly referred to his “Welsh Grammar—Phonology and Accidence”, it occurred to me to send him the rough copy of my account of the longer inscription for criticism and suggestion. The result has been that he has prevented me from going wrong more than once. I have also to thank him specially for the two passages from Peniarth MS. 54: they are tracings made by him years ago, and are here reproduced in photograph number three. I understand that the National Library is for the present closed down, otherwise I could probably have had the photographing done there direct from the original.¹ The instances of Professor Jones’s help will be mentioned in their proper places as they occur, on the principle of “*sum cuique*”.

The reader will form a fair idea of the appearance of the two inscriptions from the illustrations given, and it is convenient to take first the one which is complete and still existing (no. 2). It will be at once noticed that certain of the words are separated from one another by bars, which in the first line resemble knobsticks with the knob at the lower end, while in the second line the knob is at the top. The letters are in relief but the knobsticks are incised. At the end of both lines alike there is a slender oblique line \, which seems to indicate that neither line had any more letters. In other words the inscription is complete, and the reading is as follows:—

Syr Made | a Muruc | Pichgar | Col\
vnw | a gosod | o ddec | pund | cyrufudd\

¹ Professor J. Morris Jones has since been able to secure facsimile photographs of the lines referred to from the original manuscript and they are reproduced here as illustrations nos. 3 and 4.—V.E.

The first difficulty is the spelling of the first name, and the first name which it occurred to me to compare it with was that of an old character of whom I often heard people talk when I was a boy on the upper banks of the Rheidol; she belonged I think to the neighbouring County of Montgomery. I forget whether she was a saint or a witch, but I am certain that she was commonly known as *Pegi Mathë*, though she would doubtless describe herself as Margaret Matthews. For in Welsh *Matthew* was represented by *Matheu*, *Mathau*, which, like a plural in *eu* or *au*, such as *pethau* "things", *llyfrau* "books" (pronounced in Mid-Wales *pethe*, *llyfre*), would yield *Mathe*. Owing, however, to the difficulty of realizing how *d* could stand here for the spirant *th* or the corresponding soft spirant *ð* seeing that in two other words the *ð* is written *dd*, I cast about for another explanation. But on submitting my rough draft to Professor Morris Jones, he has convinced me that I was building too much on a supposed consistent orthography of which the carver of the inscription was innocent. He was probably an illiterate man, possibly a carpenter, otherwise engaged in setting up the rood screen or some portion of the work connected with it. He tried doubtless to reproduce the lettering given to him to copy, but even though a literary man tried to guide him it would be hopeless to get the spelling consistently given or to prevent sundry omissions from being made as will be seen as we go on.

To return to the question of the representation of the voiced dental spirant *ð*, throughout Mediæval Welsh it was mostly written *d* without being in any way distinguished from the voiced explosive *d*, except in certain manuscripts which used *t* for the sound of *ð*. The use of *dd* for it did not become general till the fifteenth century. In English the two spirants are both written *th*: witness

thin, thing, and *this, then*, and there was a good deal of indecision on the point in Welsh. Thus, for instance, we have in the Kulhwch *th* for *ð* in the name *Gŵrbothu* for *Gwrbothu*, from *Ver-bodvo-s*: see Rhŷs and Evans's *Mabinogion*, pp. 109, 140. On the other hand it will have been noticed that the last line of the first specimen of Peniarth MS. 54 in the photograph reproduced (illustration no. 3) which reads—"f'ysbeilo naedd lla(d)ron", the word *naedd* stands for *wnaeth* "did" which occurs in the fragmentary inscription in illustration no. 1 as *wmaed*, also "wnaeth". So the facts of the spelling leave us perfect liberty to identify *Made* with *Mathe*, in English *Matthew*. This can now be clenched by another fact, namely, that of the three chaplains of Llanfair before the Reformation, whose names and dates we have, one was called Matthew ap Jevan. It would be hard to resist the conclusion that he was the Syr Made of the inscription: we shall return to him presently.

The next bar it is hardly worth while to discuss, the spelling *Muruc*, which is probably due to the carver accidentally omitting the vowel *e*, admits of two interpretations, either a *Muruc* "and Muruc" or *ap Muruc* "son of Muruc", which according to Welsh analogy would be reduced to *Amhuruc*: compare my *Celtic Folklore*, p. 233, where I have a note on this kind of patronymic. But the alternative interpretation is of no consequence here as it is excluded by the last word of the inscription. Syr Madë ap Muruc would be but one man: the sense requires more than one. The more usual spelling was *Meuruc*, *Meuric*, now *Meurig*, in English *Meyrick*.

The reading of the next word proved to me a hopeless puzzle: it begins with a *P*, followed by an *i* exactly like the *i* in *Maria* in the other inscription; and it will also be found in the Clarendon Press new work, entitled

English Court Hand from A.D. 1066 to 1500, Illustrated chiefly from the Public Records, by Johnson and Jenkinson: they put this form of *i* under the year 1360: see vol. i, p. 25. After that vowel in our inscription comes a twisted thing followed by *gar*. I tried to guess an *m*, an *h*, and an *s*, but I could not feel easy that any one of them would fit. When, however, Jones's tracings reached me they solved the puzzle at once: it turns out to be *ch* written in one character, which, he remarks, is the case with *ch* in German print still. In Jones's tracings from Peniarth MS. 54 it occurs in *merch* and in *berchen*. The reading, therefore, of our word in question is beyond doubt *Pichgar*, but what one is to make of *Pichgar* is another matter altogether.

The next word is *Colunw*, which readily identifies itself with *Colunwy*, the Welsh form of the name which in English has become *Clun*. The former occurs for instance in a poem of Lewis Glyn Cothi, edited by Tegid for the *Cymmrodorion* (Oxford, 1837): see vol. i, p. 55, where Tegid has the following footnote:—"Colunwy, a rivulet flowing by Colunwy, now *Clun*, a corporate borough in the west of Shropshire, adjoining Radnorshire." The bard flourished in the reigns of Henry VI, Edward IV, Richard III, and Henry VII; but he was not the only bard to give the place-name: Lewis Morris, in his *Celtic Remains* (London, 1878), p. 97, quotes an allusion to Howel Colunwy as "Maccwy Colunwy", meaning "The young man of Clun", from a bard named D. M. Tudur, who according to Edward Lhuyd flourished about 1400 (*Arch. Britanica*, p. 255c). The accentuation of *Colunwy* was probably *Colúnwy*, which led readily, doubtless, to the vowel of the first syllable becoming liable to elision, whereby the name would be shortened to *C'lúnwy*, as in the case of *Celynnog* reduced to *C'lynnog*, which is now

the current form of pronunciation. From the shortened form *Clúnwy* the English *Clun* seems directly to come by discarding the final syllable of the Welsh form. As to the reduction of final *wy* into *w*, see Jones's *Welsh Grammar*, p. 113. In documents the word is spelt *Cluna*, *Clune*, *Clonne*, *Clone*, and other spellings.

The rest of the inscription is to be taken together except the last word. We begin with an *a* like those in the first line, and it is followed by the letter which I have treated as *g* in *Pichgar*. Then comes an *o*, and a slightly damaged letter to be compared, as Professor Jones suggests, with the perfect initial of *syr* at the beginning, and not with the *f* of the last word of the inscription. It is followed by an *o*, also damaged, but very slightly. These are the only damaged letters in the inscription, the outstanding parts having been knocked or rubbed off, while, as Prebendary Clark-Maxwell remarks, the outline of both is to be still seen in the photograph. The bar, if I may so call it, closes with a character which I guess to be a *d* with a sort of flourish indicating that the reader is to supply the termination of the word himself: I suggest *-es* or *-as* and read accordingly a *gosodes* "set or set up". But even then there is something wrong, for the law of mutating the consonants is violated and the verb is left without its object. The right emendation of the carver's work should settle both errors at one stroke and Professor Jones has supplied it: instead of *a* you should read *ae* and both grammar and sense are satisfied, *ae gosodes* would mean in English "set it up or did set it up". That is to say we have here another instance of the carver accidentally dropping out a letter: the other instance was *Muruc* for *Meuruc*. The question what the pronoun *e*, English *it*, stands for will come under notice later, when the text has been established; and we now pass on

to the other words *o ddec pund* where *o* means “from, of” in reference to motive or purpose: that is, “in consideration of” ten pounds, “for the sake of” ten pounds, “for the pay of ten pounds”, “for ten pounds”. In modern Welsh the more usual preposition is *am* “for”, German *um*. As to the practical equivalence of *pund* with the standard Welsh *punt* no argument is necessary. The Welsh borrowed the word from Old English *pund* and treated it as *pūnd* which was probably the English pronunciation before the diphthongizing of the vowel into the *ou* of *pound*. The Welsh made their *pūnd* into *pūnt* with Welsh *ū* and sooner or later that vowel was shortened as the word is now *pŷnt*. The carver of the inscription once more preferred to give the word a voiced dental as a final letter, and in so doing he was not alone. On this point Professor Jones has sent me a note which is far too interesting to be left to the chance of being lost: so I insert it here verbatim:—

“There seems to have been a tendency in East Powys to sound final *nt*, *mp*, *nc* as *nd*, *mb*, *ng*. This is suggested by the *cynghanedd* of Guto 'r Glyn,¹ who repeatedly treats the *tenuis* as a *media*. Thus:

Mawr o gwyp ym mro Gamber,
which must be read,

Mawr o gwymb ym mro Gamber.

Similarly in *cynghanedd lusc*:

Er meddiant Alexander.
I moliant yw siwgr candi.

To show that the above explanation is the correct one (*i.e.*, that *meddiant* was treated as *meddiantl*, and *not* that

¹ Guto 'r Glyn flourished between 1430 and 1460, he appears to have been a native of Llangollen and domestic bard to the Abbot of Valle Crucis.

Alexander was Alexanter), the following may be quoted as ruling out the alternative explanation :—

Mawrth yn dwyn fy mhorthiant i,

which can only be read

Mawrth yn dwyn | fy mhorthiant i
m rth n d ' | m rth n d '

Now, he has one line which you will think more to the point; it is this—

Er gwario punt yn Llundain,

which can only be a correct cynganedd lusg if read

Er gwario pund yn Llundain.

(Of course the word had *-d* originally, as it is from E. *pound*.)

I have not noticed the above peculiarity in any poet except Guto 'r Glyn.

It is not to be confused with the permission to use a tenuis in the gorffwysfa to answer an initial media, forming a 'croes o gyswllt ewinog', as

Dyna feddiant anfuddiol,
d n f δ (t)d nf δ

for here only the opening of the stop is assumed to be voiced; and this may be without making the tenuis a media. This permission is general; but it differs essentially from the practice of Guto 'r Glyn described above, which implies that the *implosion* of the stop is voiced; in other words that the consonant must be a media."

There remains only the last word to be discussed, but it is phonologically perhaps the most interesting vocable before us. It belongs to one of the most remarkable groups of formations in the Celtic languages, consisting as it does of conjugated prepositions. An attested instance dates as early as the second century, perhaps earlier: it is *ociomu*, "with us", in the Coligny Calendar. See the *Proceedings*

of the *British Academy*, vol. 1909-1910, pp. 271, 295, 300, 301. (As a separate paper, "The Coligny Calendar", pp. 65, 92, 94, 95.) These formations as represented in Welsh will be found analysed in Professor Jones's *Welsh Grammar*, pp. 397-407. Following in his track one would have to analyse the word here in question into its ultimate elements, *com-er-ongo-dub-*; here I leave *dub*, or rather *dūb* (mutated *đuv*), for the moment without being analysed. *Com-* became in Welsh *cyf-* = Latin *com-* "with"; *er* stands for Indo-European *per* with the *p* dropped; *ongo* as a separate word is represented by *wng* "near, at hand", as in the proverb "Dyweddi o wng, galanas o bell", which Dr. Davies renders "Conjugium e propinquo, inimicitia e longinquo", the same old story which brings "Young Lochinvar out of the west". From *wng* we have *cyfwng* "an interval" and *cyfyng* "confined, narrow". The elements *er* and *wng* make *yrhŷng*, *rhwng*, "between", which with *cyf-* prefixed yields *cŷfrwng* "an interval"; but *cŷfrwng* is also found as a proposition, meaning "between", and entering into such agglutinative compounds as *kyf-ryngoch* "between you" and *kyfryngthut* "between them", both cited by the Professor from the *Myv. Arch.*, I, 222^b and 233^b. In the latter the final *t* was, we know from the rhyme, pronounced *đ*; and if we soften the *th* also to *đ* we get *cyfryngđudđ*, which with the pronunciation eased by eliding the *f* and the *n* would yield *cyrđudđ*, which comes near our *cyrufudd* of the inscription. But that will not do, for the *n* in contact with the dental holds its ground, the two being *nđ* as in *rhynđdo* "between him", or else passing into *ngth* or *ngt*, as in *rhynngtho*, *rhynngto* "between him", to which may be added a pronunciation *rhyngo* "between him", with the *đ* elided, but leaving the *n* standing. Professor Jones recognises two different treatments of the combination *er-ongo*; one which reduces it to

yrhwng, *rhyng*—and another resulting in *yrwy*. The latter occurs in cases where the agglutination acquires another syllable; and the reason why it should be so, is not hard to find; for the addition brought about a shifting of the stress accent to another syllable and caused a weakening of the syllable which previously bore it. Under certain conditions the vowel of the weakened syllable may altogether drop out, especially if it comes immediately before the syllable then to be accented. That seems to apply in this case, as may be inferred from an old Welsh form *igridu* “between them”, which occurs in the Tudwllch document (in the Book of St. Chad) printed in Evans and Rhys’s edition of the *Book of Llan Dâw*, pp. xliii, xliv.¹ Now *igridu*, to be read *yrhyđu*, obtained that form by metathesis, most likely not from *irishđu* but from a form *irshidu* in which the *r* and *h* had come together. The next thing was the easing of the pronunciation by dropping out the nasal, which left the word simplified into *iridu* or *yrhyđu*, with which may be compared *yrhydi*, “between her”, and *yrhyđu-nt*, “between them”, both given by Professor Jones, p. 403. As a corollary he suggests that the forms *yrhywof*, “between me”, *yrhywthaw*, “between him”, etc., are newer formations from *yrhwng*, “between”; and he regards that as borne out independently by the later appearance of those formations.

There still remains for analysis the final syllable of the third person plural, *dūb*, which in mutation becomes *-dūv* and *-đu*, in which Professor Jones thinks with good reason that the *đ* argues the presence of the Proto-Celtic preposition *do*, “to”; from this in Irish are derived in the singular *dó*, “to him”, *dí*, “to her”, and the Welsh equivalents are *-daw*, *-do*, “to him”, and *-di*, “to her”. The latter occurs

¹ My mistaken attempt to explain *igridu*, on p. xlv, should now be corrected by what follows in the next few lines here.

in Old Welsh, namely, in *amtann-di*, "about her", in the same Tudvwlch document. Later it becomes *amdan-i* with the *đ* elided. This doubtless had a corresponding masculine *amtann-đaw*, which is not attested except indirectly in the later form *amdan-o*, "about him", with the *đ* elided. So probably in *arnaw*, *arno*, "on him", from *arna-đaw*, and *arnei*, "on her", from *arna-đi*.¹ So with *ohonaw*, *ohono*, "from him", and *ohonei*, "from her", and so with others without the *đ* in the Welsh of to-day. To Professor Jones belongs the credit of detecting in Welsh the exact equivalent of the Irish *dóib*, modern *dóibh*, "to them", in the Welsh *dub*, or rather *dūb*, in mutation *-đūv*, "to them". He traces it through two modifications—(1) Due to the early liability of *v* after *ū* to be silenced, the word was reduced to *-đū* as in *rhag-đū*, "before them", from *rhag*, "before". (2) The *v*, when not disposed of in that way, was changed into *đ*, which remained longer, as in *arnadđ*, "on them". But if we try to apply this to our *cyrufudd* we have to suppose *cryđudđ* to have changed its first *đ* into *v* to avoid an *đ* sequence. But I prefer putting it another way, and regard *-đūv* as made by metathesis into *-vudđ*, which leads up to the *cyrufudd* of the inscription, while *-đudđ* of *arnadđ* and similar forms would imply a further change, consisting of the assimilation of the two consonants in favour of the second of them. Professor Jones did not rest content with fixing on the preposition *do* as one of the elements in the agglutination Irish *dóib*, Welsh *dūb*, *-đūv*; he goes further and identifies the other element as the Indo-European pronoun *eibhis* functioning

¹ Professor Jones explains (loc. cit., p. 400) *arnei*, *erni*, "on her", as deriving the *i* from *sīm*, accusative of *sī*, "she", and *arnaw* as probably a re-formation with *-đaw*. Here there may have been double origins, for in Irish, which formally distinguishes the cases, the corresponding preposition for "super" is one of those that govern both dative and accusative.

as the dative plural of the Indo-European *es*, “he”, *ed*, “it”, in Irish *é*, “he”, *ed*, “it”, and in Latin *is*, *id*, fem. *ea*, together with an old dative plural *ibus*,¹ “to them”. Briefly, *do-eibh-is*, dropping the final syllable, appears in Old Irish as *dóib*, *dóibh*, or *dáibh*, “to them”, in Old Welsh as *-dūv*. Compare Old Irish *óin*, *óen*, *aen*, “one”, Welsh *ūn*, Old Latin *oino-m*, later *ūnu-s*, English *one*, *on-ly*, *al-one*.

Reverting for a moment to the endings of such formations as have been occupying us here, one has to notice that they all have *nt* in modern Welsh and that they have acquired the *nt* in imitation of the third person plural of verbs such as *ynt* or *ydynt* “they are”, *oedynt* “they were”, *rhedant* “they run”, and so forth. Thus in the case of the preposition *rhag* “before” we have *rhagŵt* “before them” and *rhagŵnt* with the *u* retained, while the later spelling is *rhagdynt*, with *y* as in verbs. Take also *arnadud* “on them” and *arnadunt* of the same meaning. As in verbs the *t* of the *nt* may be dropped: thus *onadunt* “from them, of them”, is reduced to *onadun* in Goronwy Owen’s neat line referring to the Resurrection of the human race:—

“Heb un onaddun yn ol,”

With none of them left behind.

The foregoing specimens, together with others mentioned in Jones’s *Grammar*, *i.e.*, will serve as instances of the fluidity, so to say, of the language, subjected to such processes as those of syncope and elision, of metathesis and mimicry. They illustrate what may happen when the elements of agglutinative compounds have lost their individual meanings. It is all, however, hardly worth

¹ See the second edition of Brugmann’s *Grundriss*, II, 324, 326, 334, 357, 390, also Thurneysen’s *Handbook of Old Irish*, p. 272, where he, with some hesitation, suggests *eibhis*, Sanskrit *ēbhīh*.

mentioning in comparison, for instance, with the serried thousand forms of the verb in such a language as Basque.

The foregoing analysis has brought us to *cyryfudd*, whereas the form in the inscription is *cyryfudd*. This implies no discrepancy but shows that there was a further change in the pronunciation; for when *y* (pronounced like the *u* in the English words *but*, *cut*, *hut*) was followed by an accented *û* in the next syllable, this latter, more forcibly uttered, influenced the *y* to modify its complexion into that of the *u*; but probably the process of assimilation was confined to cases where the *û* still bore the stress accent. The formula therefore would be $\check{y}-\acute{u} > \check{u}-\acute{u}$. Take such instances from Mediæval Welsh as *fŭ hŭn* "myself", *dŭ hŭn* "thyself", in Modern Welsh *fŷ hŭn* and *dŷ hŭn* with the *y* restored; or *cŭhŭddo* "to accuse", from *cŷhŭddo* and *yscūmūnetic* "excommunicated" from *yscŷmŭnētic* where the stress accent has been shifted in obedience to the rule as to penultimate accentuation. The same rule may also force the shifting in the opposite direction as in the case of *yrhŷngthŭ-nt* being, as an oxytone, changed into *yrhŭngthŭ-nt*, to be modified later into *yrhŷngthŭ-nt*, "between them": both spellings are given among Jones's instances, p. 403, § 210, viii 2.

There is one more instance which I wish to mention: it is connected with the name of a Radnorshire parish church near the Edwy, in the vicinity of Builth, to wit, *Creg Runa* or *Creg Rina*, for old Brythonic *û* is pronounced *i* in South Wales. Rice Rees, in his *Essay on the Welsh Saints*, p. 351, calls the church *Creg runa* or *Craig Furuna*, but in the *Myvyrian* list of parishes (vol. ii, 619a), it is given as *Ceryg Furuna* "Stones of F."; the *f* being sounded *v* this makes a bad concord, which is got rid of in Lewis's *Top. Dictionary* by substituting *Careg* "a stone", but there is no need of introducing either *Carreg* or its plural.

The thirteenth century bard, Gwynfardd Brycheiniog, calls it *Kreic Vuruna* "Muruna's Rock", which derives it directly from *Craig* and *Muruna*, with *Muruna* accented *Mǝ-rúna*, drawn, not from Welsh but from Irish *mo Rón-óg*, whence also the name of a Manx church and parish *Skeeylley Marooney*, in Manx English *Kirk Marówn*. For other forms of the name of the Isle of Man church and references to the documents in which they occur, see the *Inventory of the Royal Commission on the Ancient Monuments in Wales and Monmouthshire*, County of Radnor, p. 39*. Suffice it to mention the earliest of them, namely, a bull of Pope Gregory IX, dated 1231, which calls it *Kyrke Marona*, with the pronoun of endearment modified into *ma-*, but originally it was *mo*, whence *Mo-Rōna*, which, with the feminine *Craig* prefixed, helped to produce in the latter language *Vǝ-Rúna*, written *Vuruna* in Gwynfardd's poem. As far as the rule of accenting the penultimate permits, the analogy of *Muruna* with *cyrufudd* is perfect. The modern tendency in Welsh is to restore the *y*, both sound and symbol.

Returning to the inscription as a whole we have now to bring together the results of the interpretation under its different words, and it comes to this:—"Syr Made and M(e)uruc Pichgar of Colunw(y) set it up for ten pounds between them." This, as hinted before, implies that on another of the beams connected with the rood screen or forming a part of it there was another inscription giving the names of one or more other benefactors and stating what had been done by them. After that the inscription that has here been discussed would naturally come in with a brief story of its own. Before coming to the date and to the other inscription, there is a point to which I wish to call further attention, to wit, the distribution of the knobsticks, which is the following:—

ſyr Máde † a M(é)uruc † Pichgar † Col
 úuw(y) † a(e) gosódes † o ddéc † Púnd † cyrífudd

Here a dissyllable Pichgar and a monosyllable Pund are separated by knobsticks from the neighbouring words: the other spaces are occupied by words preceded by proclitics or else single words beginning each with an unaccented syllable. In one instance alone are there four syllables in a bar, namely, a(e) gosodes, and even that was possibly intended to be read as three only. Whether the carver believed that he was expressing himself in metre is not easy to tell.

Availing myself of the reference given me by Prebendary Clark-Maxwell to Eyton's *Antiquities of Shropshire*, vol. xi, 340, I there find the author giving an abstract of a document dated in the Chapter House of Wenlock on the third of August 1485. The document, called a convention, relates to Llanfair Waterdine, then called Waterden, and explains itself as follows:—"WATERDEN. Convencio inter Thomam Tutbury, Priorem de Wenlock, et Dominum Mattheum ap Jevan Capellanum. Prior concessit Mattheo, quod deserviet Capellam Beate Marie de Waterden celebrando ibidem, ac sacramenta et sacramentalia et cetera divina officia parochianis ibidem ministrando, immediate post decessum Domini David ap Ree, nunc Capellani, capiendo annuatim totum alteragium preter agnos et mortuaria, prout dictus David et predecessores sui percipere consueverunt.—Habendam et tenendam dictam Capellam post decessum Davidis, predicto Mattheo totum vitam. Si Mattheus peregrè proficiscatur Rome, vel ad aliquam Universitatem Anglie, gratiâ studii, &c., inveniat Capellanum ibidem. Et Prior et Conventus, &c., warrantizabunt predictum servitium Mattheo ad vitam."

The author states that a second convention of the same

kind is dated in January 1520, when Richard Prior of Wenlock guarantees to John Page, chaplain, the preferment of Matthew ap Jevan, whenever the latter functionary should die. Eyton gives as his authority a Register at Willey, fo. 12, and states that he finds no mention of an incumbent previous to the Visitation of Bishop Westfaling, in 1587. Nor does it appear that the names of any chaplains of Llanfair were known to the author except the three mentioned in the "conventions" of 1485 and 1520. These were David ap Ree (? Rees), Matthew ap Jevan and John Page. According to the same documents, they followed one another in the order here given, and doubtless our man is Sir Made: he was the Dominus Mattheus of the documents. The use of the title *dominus* reminds one of the old bursarial books of Oxford Colleges when the accounts were kept in Latin; and when it is translated it naturally becomes *Syr*, Sir, French *sieur*, which is practically but *seigneur* writ small. We do not know in what year our Sir Matthew ap Jevan was born, but we know that he was alive in 1485, and young enough to be regarded by the Prior of Wenlock as still one who might wish to study for a time in Rome or at a university in England, when he was to provide a substitute to perform his duties as priest of Llanfair. He was alive in 1520, but probably by that time an old man, as the Prior of Wenlock took the step then of providing him in advance with a successor in the chaplaincy. He may have lived a considerable time afterwards; but when was he born? we have no means of answering: it is, however, not unreasonable to place his birth not very many years after the middle of the century. As he most likely had to do with the inscription we may venture to regard it as a specimen of fifteenth century Welsh of the dialect of Mid-Wales.

We now come to the fragmentary inscription which we have found, from the interpretation of the complete one, must have preceded the latter. The words of the correspondent W. to the *Arch. Cam.* imply that both inscriptions were in the rood-screen, and the most important statement in Sir Samuel R. Meyrick's paper, in Vol. II of the *Arch. Cam.*, p. 310, establishes exactly the relative positions of them in the screen as follows:—"Of the rails that formed the screen, not two had their sculptured parts alike. On one, there are dogs hunting animals of the chase; and, on that immediately above what was submitted for a cast, for about the length of a foot, are more musical characters like the others, but differently arranged. They are in two rows, and pointed at by two hands, one to each, but a pair; and consist, the upper one of five, and the lower of nine notes, though there are appearances of others in the former. This portion of notation, however, has suffered much from exposure."

Now the rail which had been submitted for a cast was the one with the inscription forming the subject of Sir Samuel's paper, and the rail immediately above it, with "more musical characters like the others but differently arranged", had in the first line a hand (with its hollow turned away from the reader) pointing to five "notes" with certain "appearances of others".

If we compare this with the photograph of W.'s facsimile we see that Sir Samuel's five notes are no other than the five letters making the name *Maria*, and, as to the "appearances of others", that is corroborated by the comma-like mark following the name *Marīa*; it was part of a letter which the facsimilist could not read, and he attempted no more "appearances" in that line. In the second line we count six letters while Sir Samuel gives them as nine; but there is no discrepancy as we know from

an earlier passage in his paper (p. 309) that he had failed to grasp the unity of the disjointed letters *w, m, n*. In regard to these three he stood lower than the least experienced in letter forms of my correspondents. But why did he not accept *Maria* where this difficulty did not exist, and why did he not include the fragment in his plate of engravings? He was aware that some tiresome fellow read *Maria* (see p. 92 above), and it pleased him not. The very letters of that name were music to his ears: he was out for music, and music he must have at any cost.

Now, when the rail with the fragment of an inscription is placed immediately above the rail with the complete inscription and parallel with it, one may guess that neither filled the whole length of the rail it was on, but only the middle portion; for we know that there was a blank space left after the lettering in the case of the *Syr Made* inscription, and it is probable that when the latter was made into an altar rail a blank length of it preceding, the indicator hand was cut off, to wit, at the time when the transference was made after the year 1847. That seems to have been the arrangement to be inferred from Sir Samuel's description on p. 309. Without the ornamentation, the arrangement would roughly be somewhat as follows:—

☞	Maria	(a) \
☞	wmaed	\

☞	Syr Made a m(e)uruc Pichgar col\
	unw ae gosodes o ddec Pund cyrufudd\

A word must now be said as to the construction of this inscription as indicated by the two words extant. It

begins with a proper name, *Maria*, so the verb, coming later in the sentence, would be preceded by the relative *a* which I have ventured to insert in the scheme, the ordinary construction being that of the verb first. When a word other than the verb requires to be emphasised and the verb is not at the head, it has to be introduced as part of a clause which was, at least originally, a subordinate one. So, here, one has probably to read *a wnaed*, with *wnaed* standing for *gwnnaed* mutated into *wnaed*, with the initial change required by the relative *a*. We have already accepted *wnaed* as meaning *wnaeth*,¹ "did or made". Other forms of the verb occurred to me, namely, *gwnaed*, "let him or her do", but besides being unsuitable in point of sense it would have been spelt *wn(n)aet* and not *wn(n)aed*. So with *wnaed* (for *wnaethpwyd*, "was made"), which, according to Jones, is also probably too late a form for consideration here.

The name *Maria* cannot, as has been suggested to me more than once, refer to the Virgin, to whom the church is dedicated;² for in Welsh her name would have been *Meir*, *Mair* derived from *Maria* shortened to *Marïa* which regularly yielded *Meir*, *Mair*. *Maria* in the

¹ It is possible that the pronunciation was *wnaedd* with *th* softened into *ċ*, and so in *Made* as *Maċe*. On that change see *Jones's Grammar*, pp. 24, 176, 384. In some words the soft consonant has become permanent in the language such as *cynysgaeddu*, "to endow", from *cynysgaeth*, "endowment". When I was a boy I sometimes noticed this kind of pronunciation in the sermons of Calvinistic ministers coming from Aberystwyth, especially those of the Rev. John Jones, whose Welsh was uniformly good and correct: I always wondered whence he got, for instance, his *perffeiddio* for *perffeithio*, "to perfect".

² With reference to this statement, Prebendary Clark-Maxwell writes:—"It requires considerable assurance to differ from so eminent an authority as the late Sir John Rhŷs, but I venture to append a note giving reasons which lead me to believe that in the

inscription therefore was probably the name of a rich lady who had proved the chief benefactress of the church or one of several benefactors. But the whole number of them cannot well have been more than two, hardly three: the space taken up on the rail was limited if we may judge from the analogy of the Syr Made inscription. As the line of least resistance I shall regard Maria as the sole benefactress mentioned on the rail: this would leave room for her surname and other words probably of description of her that may have been thought desirable to give. Probably such items would take up the whole of the first line as far as the *a* where the carver turned back and began the next line with *wnaed* "did or did make". Then must follow words specifying what she had done: there were, for example, oak pillars with curiously carved capitals, there was an oak rood-loft, and there was an enriched canopy. Some comprehensive term referring to them may have been used. Lastly then would possibly come a mention of the sum of money her benefaction had cost the generous lady. The amount may be expected to have been considerable as the other £10 comes in as a sort of supplement.

fragmentary inscription 'Maria' is to be taken as the name of the Virgin Mary to whom the church is dedicated, and not as that of a benefactress. The form is not Welsh, neither is it, I think, English; as early as 1500, which is approximately the date of the inscription, I know of no case of its occurrence, except as a Latinized form of Mary, Marye, or Marie. If further we consider, as I think we should, the hands as indicating the beginning of a fresh sentence (something after the fashion of a paragraph-mark ¶), we may not unreasonably look on 'Maria' as the first word of an invocation in Latin *Maria* [*mater Dei miserere mei*], or the like, and begin the next line with 'wnaed' = 'made' followed by the name of the benefactor or benefactress, now unhappily lost. This would be followed, as Sir John Rhys states, by the two-line extant inscription, the single hand prefixed to it, shewing that it is to be read as a continuous sentence."

EDITORIAL NOTE.

The paper as written ends here. Sir John Rhŷs no doubt intended to add some concluding paragraphs, but the only materials left were certain extracts relating to the inscription, from the *Journal of the British Archæological Association*, and *Archæologia*. As these throw some further light on the story of the carved rail we append them. Professor John Morris Jones, in a note that follows, has been good enough to give the “reading” of illustrations nos. 3 and 4 (see *plate*); and Mr. Edward Owen adds a paragraph in explanation of the postponement of the account of the Llanfair rood-screen mentioned on p. 91 by Sir John Rhŷs.—V.E.

(a) EXTRACTS FROM JOURNALS.

Extract from Journal of the British Archæological Association (1846), vol. i, p. 338, under date 22nd Nov. 1845.

“Mr. Evan Williams, of Knighton, Radnorshire, kindly sent to the Committee for inspection the curiously sculptured rail found in Llanvair Waterdine Church. Mr. Williams observes:—‘About three years since the writer, hearing that a mysteriously carved rail was in possession of the parish clerk of Llanvair Waterdine, near Knighton, proceeded thither, and obtained the same from him, it having been just cut out of the chancel screen. The rail now exhibited was, together with another lower rail having a few similar sculptured characters thereon, discovered upon the removal of an old pew, the latter rail still remaining in the screen. There are reasons for supposing the characters to be some musical subject in the ancient Welsh alphabetic notation, which prevailed in Wales for a considerable period after the introduction of lines, but considerable difference of opinion exists on the subject. The screen itself appears to have been erected about the beginning of the fifteenth century.

“‘The church is a mixture of early English, and subsequent styles; it has a stone stall or seat in the south wall of the chancel, and the holy water stoup remains in the church entrance. In the nave are piers composed of large single pieces of oak, let into wooden sills, the capitals being large carved grotesque human faces. The adjoining interesting old “hall”, of the time of James I, and which

would have lasted for centuries to come, has been lately recklessly pulled down.'"

*Extract from Archæologia (1847), vol. 32, p. 393. Inscription from
Llanvair Waterdine.*

"15th Jan. 1846. The Rev. the Dean of Hereford, F.S.A., presented to the Society a Cast from the Inscription carved on a piece of oak, formerly part of the Rood-Screen in the Parish Church of Llanvair Waterdine in Radnorshire; which, as he observed, had excited considerable interest, and had not been satisfactorily deciphered. The late character of the Moulding, as shewn by this Cast, gave a notion that the Inscription is not more ancient than the fifteenth century."

"22nd Jan. 1846. Lord Albert Conyngham exhibited the original inscribed Rail of Oak from the Church of Llanvair Waterdine, near Knighton, of which a cast had been presented to the Society at the previous meeting by the Dean of Hereford. He referred to the supposition of Sir Samuel Meyrick, that the characters belong to a system of musical notation, as stated in a Paper formerly communicated to the Society."

(b) READINGS OF ILLUSTRATIONS NO. 3 AND 4 (*see Plate*)
BY PROFESSOR J. MORRIS JONES.

No. 3.

From Peniarth MS. 54, p. 434.

[illegible]

No. 4.

From Peniarth MS. 54, p. 377.

~~from the~~
 from the 2088 to 2882
 Papazian + 2088
 2088 + 2088
 2088 + 2088
 2088 + 2088

amerchifeiriet
acybersonyet
acyscwieriet
oeuracaryan
fysbeilonaeddlaron

i.e.

A merch i feirieit,
Ac i bersonieit,
Ac i scwierieit.
O eur ac arian
F'ysbeilo (w)naeth lla(d)ron.

tomasddieiddil
fabysiancyntrwrberfil
berchenllyfyreifil
yddarlleinoysfyll

i.e.

Tomas ddi-eiddil,
Fab i Siancyn Twrberfil,
Berchen llyfreu fil,
I ddarllein o'i sefyll.

(c) NOTE BY MR. EDWARD OWEN, F.S.A.

In the course of his enquiry into the Llanfair Waterdine Inscription, the late Sir John Rhÿs had been so good as to request my assistance in what may be termed the bibliography of the subject, and I was able to be of some slight service to him on the occasion of our visit to the church. I had already collected various references to the inscription, and the few notices, of the church, historical and architectural, to be found in the usual authorities. Sir John, having interpreted the writing was anxious to identify the persons who were named therein, to elucidate the circumstance which it enshrined, and to make clear the connection (if any really existed) between the transaction set forth in the document contained in Eyton's *Shropshire* and the declaration of the inscription. He was also desirous that something should be said of the church, and especially of the woodwork on which is carved the inscription itself as well as a number of interesting animal figures, with the purpose of fixing as closely as possible the date of the lettering. It was therefore settled that I should undertake researches at the Public Record Office, and again visit the church to obtain photographs and drawings of the various features of interest. One of the deplorable consequences of the horrible war now raging is that it has disorganized the most peaceful of pursuits. The British Museum Library is closed, though the Public Record Office still keeps its portals open. All literary work, moreover, is made more difficult, and it would be quite impossible to conduct such an enquiry as should at all be worthy to accompany the splendidly successful effort of Sir John in anything like a moderate space of time. It has therefore been thought advisable to print Sir John Rhÿs's paper (which alas has not to wait for his own final revision), and to follow it at as early a date as circumstances will permit with a paper that shall contain such subsidiary material as it will be possible to bring together for the explanatory purpose that he had in view.

Awdl i Rys ap Gruffudd gan Einion Offeiriad.

DOSBARTH EINION AR RAMADEG A'I
DDYLED I DDONATUS.

GAN YR ATHRO IFOR WILLIAMS, M.A.,

Coleg y Brifysgol, Bangor.

WRTH redeg trwy lawysgrifau Mr. R. Gwyneddion Davies, Caernarfon, tarewais ar yr awdl sydd yn canlyn, a chefais ganiatad parod ganddo i'w chyhoeddi. Perthyn iddi gryn bwysigrwydd ar amryw gyfrifon, mewn rhan oherwydd ei gwrthrych, ond yn bennaf oherwydd ei hawdur, a'i gysylltiad neilltuol ac arbennig â thwf celfyddyd cerdd dafod ymhlith y Cymry.

Ceisiais ddangos o'r blaen¹ fod Rhys ap Gruffudd, Arglwydd Narberth, yn un o wŷr enwocaf Cymru yn ystod hanner cyntaf y bedwaredd ganrif ar ddeg. Daliodd amryw swyddi o dro i dro, ac enillodd glod nid bychan, yn ogystal a llawer o dir a daear, fel gwas ffyddlon i Edward II. Rhy faith i'w hail adrodd yma yw'r rhestr o'r gorchwylion pwysig a ymddiriedwyd iddo gan y brenin. Boddlonaf ar gyfeirio ati pan fo rhaid. Daw Rhys i'r amlwg gyntaf fel *King's yeoman* yn 1308, pan roddir iddo stiwardiaeth Ceredigion; a bu farw rhwng 1352 a 1355. Tybiaf ei eni tua 1290, ac felly gwas ieuanc i frenin ieuanc fuasai yn 1308. Enillodd ffafr yng ngolwg ei arglwydd a bu'n dra llwydd-

¹ *Transactions of the Honourable Society of Cymmrodorion*, Session 1913-14, t.d. 97-9, 193-203.

iannus. Nid yw'n hawdd olrhain ei ffawd dan Edward III, o leiaf ar y cychwyn. Maddeuwyd iddo yn 1328 am adael y deyrnas ac ymuno a'r Sgotiaid. Ond yn 1330 gorchmynnir i Roger Mortimer ddal Rhys a'i ganlynwyr am ei fod o blaid Edmund "De Wodestok, yn ddiweddar, Iarll Caint", a'i fod wedi croesi 'r môr heb ganiatad y brenin, a'i fod gydag eraill yn casglu byddin o wŷr arfog i ymosod ar y deyrnas. Dywedir ymhellach fod llawer o geraint Rhys, ac eraill hefyd yng Nghymru yn glynu wrtho ac o'i blaid, a gorchmynnir eu dal lle bynnag y cefir hwy. Eto i gyd, ymhen tri mis maddenir i Rys drachefn a chaiff groeso i ddychwelyd adref mewn heddwch, ac adferir ei gyfoeth iddo. Beth oedd wedi digwydd? Ymddengys i mi mai 'r esboniad yw'r drwg oedd rhwng Rhys a Roger Mortimer ers 1322. Safodd Rhys gyda'i arglwydd yn erbyn y barwniaid, a phan orchfygwyd yr olaf ger Boroughbridge, cymerwyd Mortimer yn garcharor, a chaewyd arno yn y Tŵr. Daeth ei diroedd i feddiant y brenin fel tir sied, a Rhys ap Gruffudd a gafodd gastell a maenor Narberth ohonynt, heblaw dal y gweddill yng Ngorllewin Cymru dros y brenin. Dihangodd Mortimer yn 1323 ac wrth gwrs, ar Rys y rhoddwyd siars i godi 'r Deheudir i geisio ei ddal. Ond llwyddodd i ffoi i Ffrainc, ac yn 1326 daeth yn ol gyda'r Frenhines Isabel ac Edward mab y brenin, a'u bryd ar ddiorseddu Edward II. Bu Rhys yn ffyddlon i'w arglwydd nes iddo golli'r dydd yn lân. Collodd yntau Narberth, a llawer mwy, ac yn fuan gwelwn oddiwrth y cofnodion hanes ei ffoi i Sgotland. Mortimer oedd yn teyrnasu mewn gwirionedd, ac Edward III mewn enw; ond rywsut cafodd Rhys faddeuant. Yna gwelodd gyfle wedyn i dalu 'r pwyth i Fortimer, canys digiodd Iarll Lancaster ac Edmwnd, Iarll Caint, wrth ormes hwnnw. Ymunodd Rhys â'u plaid. Yn 1330 daliodd Mortimer Iarll Caint, a pharodd ei ddienyddio; a dyna 'r pryd yr

aeth Rhys dros y môr. Cyn pen tri mis yr oedd Edward Ieuanc wedi ymuno a Lancaster, a rhyngddynt wedi dal a chrogi Mortimer, a dyna 'r ffordd yn rhydd i Rys yn ol, a'i diroedd yn ei feddiant drachefn. O hynny ymlaen, dengys y cofnodion iddo ddringo 'n uchel mewn cyfoeth a dylanwad, heb ball na thrangwydd mwyach.

Yn *Peniarth* 20 (*Reports*, I, 346) ceir nodyn dan y flwyddyn 1329 mewn hen groniel sy'n egluro peth ar yr uchod. "En y vlwydyn honno gwedy gwyl Gregor bap¹ y gwnaethpwyt kwnfli en llvndeyn ac y doeth fire Edmund de wodesioc yr kwnfli, ac y perys Rosser mortimer y dala a llad y ben dyw llvn trannoeth y dyw gwyl feynt Edward vrenhyn a merthyr, heb wir heb vrawd yny byd, a thrannoeth y llaf y varchawc vrdawl fire Rawf de hermer, ac ereill llawer a foaffiant or wlad, pan welfant na pherchyt gwr kyfurd a Jarl keynt ac yn ewythyrr y brenhyn braud y dad, ac en gar agof yr vrenhynes hen." Ar dudalen 292 o'r un llawysgrif wrth gofnodi digwyddiadau alaethus 1282 dywed y croniclydd, i'r brenin Edward I ddyfod i Ruddlan "ac er anvones llynges hyt en mon a *howel* ap *grufud* ap *edneved* en dywifawc en ev blaen ac wynt a goresgynaffiant von". Hywel ap Gruffudd ap Ednyfed Fychan oedd enw taid Syr Rhys, ac os hwnnw oedd y bradwr a arweiniodd llynges i ddiffeithio Môn yn 1282 rhoddai hynny oleuni ar y dull a'r modd y daeth ei ŵyr yn was annwyl Edward II erbyn 1308.

¹ Dyry *Peniarth* 40 Mawrth 12 fel gŵyl Grigor Bap. Gan fod y croniclydd yn edrych ar Mawrth 25 fel y dydd cyntaf o'r flwyddyn, rhoes bopeth a ddigwyddodd rhwng Ionawr 1, 1330, a Mawrth 25 dan y flwyddyn 1329. Dyna'r rheswm am y gwahaniaeth yn rhif y flwyddyn. Daliwyd Mortimer yn ol *Peniarth* 20 "yn Notigham dyw gwyl luc", sef Hydref 8, a dienyddiwyd ef yn Llundain "nos wyl andras", sef Tachwedd 29. Yn ol *Foedera*, Rymer, Awst 8, 1330, y gorchmynwyd dal Rhys a'i ddilynwyrr; ac yn ol *Calendar Pat. Rolls*, rhoddwyd saff cwndid iddo i ddychwelyd at y brenin Tachwedd 25, 1330.

Ond i droi at y bardd, Einion Offeiriad. Oddiwrth amryw gyfeiriadau ato ymddengys ei fod mewn mwy o fri fel gramadegwr nag fel bardd; ac yn ddiau i ramadegwŷr yn hytrach nag i feirdd y bydd yr awdl hon o'i eiddo yn ddiddorol. Nid yw'r testyn yn gywir ymhob llinell, addefaf yn rhwydd, ond y mae 'n rhyfeddol o gywir serch hynny, pan ystyriwn bellder y llawysgrif oddiwrth oes y bardd. Dengys feistrolaeth wych ar gelfyddyd trin gair a mesur, fel y disgwyliid mewn gwaith athro yn y grefft, a chawn enghraifft deg ynddi o ganu oes Casnodyn a Gwilym Ddu. Gwel y cyfarwydd debyced yw o ran iaith a dull, yn ogystal ag o ran cynghanedd i waith y Gogynfeirdd hynny. Fe'i ceir hefyd yn *Peniarth* 159 (137), ond bod bai ar y teitl yno, "I Rys ap gr: ap ho: ap Ednyved vychan". Nid *mab* ond *ŷyr* i Ednyfed oedd taid Rhys.

Go anodd yw penderfynu 'n sier beth yn fanwl a phendant oedd perthynas Einion â gramadeg Gymraeg. Enwa'r Dr. Sion Dafydd Rhys yn ei ramadeg ef (t.d. 45) bedwar o'r awdurdodau hynaf a gorau. Ymdrin â'r fannod y mae, a rhydd farn Einawn Opheirat, Dabhydh Ddu, Edyrn Dabhawt eur, a'r Minwynn (*paucæ exempla ex optimis et antiquissimis quibusque huius linguae auctoribus decerpta*). Ni wn ddim am Y Minwyn, na fawr ddim am Edyrn Dafod Aur. Daw ei enw ym *Mostyn* 110 (188) mewn rhestr o feirdd a'r lle y claddwyd hwy ond nid oes dim am dano ef. Ar ei ol daw Dafydd Ddu Athro neu Offeiriad, fel hyn:—

Edyrn dauot aur
D ddu offer:

Yn 1856 cyhoeddodd Ab Ithel *Dosparth Edeyrn Davod Aur*, "or The Ancient Welsh Grammar, which was compiled by Royal command in the thirteenth century by Edeyrn the Golden Tongued, to which is added Y Pum Llyfr Kerddwriaeth, or the Rules of Welsh Poetry, originally compiled

by Davydd Ddu Athraw, in the fourteenth, and subsequently enlarged by Simwnt Vychan, in the sixteenth century”.

Yn ei Ragymadrodd (t.d. xi) dywed y golygydd, “The Grammar which formed the basis of ‘Dosparth Edeyrn Davod Aur’, is said to have been compiled by Geraint Vardd Glas, in the tenth century. This was preserved among the MSS. in Raglan Castle, before it was destroyed in the wars of the Commonwealth, but no copy is now to be found”. “Einion Offeiriad is said to have flourished in the middle of the twelfth century,” t.d. xii. “Edeyrn compiled his grammar about A.D. 1270.” “About A.D. 1340, flourished Davydd Ddu.” Yna ceir Rhagair cymysglyd i Ddosbarth Edeyrn lle’r honnir mai ar orchymyn Llywelyn ap Gruffudd, “tywysawg Aberffraw a brenhin Cymru oll,” Rhys Fychan, Arglwydd Dinefwr, a Morgan Fychan, Arglwydd Morgannwg, y gwnaeth Edeyrn ei ddosbarth. Ac yna ychwanegir, “sef y tynnwys Edeyrn yr hon Ddosparth o’r cadw a wnaeth Einiawn Offeiriad; yr hwnn a gafwyd arno Farn, ac Awdurdawd Llys Arglwydd a Rhaith Gwlad. Ac ar y rhoddos Edeyrn at honno, y cafas yntef yr un modd, Farn Llysoedd ei Arglwyddi, a Rhaith Gwlad”.

Dangosais eisoes fod hyn oll yn drwyadl anghredadwy.¹ Gwelir ar unwaith os canodd Einion Offeiriad i Rys ap Gruffudd oedd mewn bri rhwng 1308 a 1355 nad oedd modd iddo flodeuo yng nghanol y ddeuddegfed ganrif. Ac os hanner cyntaf y bedwaredd ganrif ar ddeg yw oes Einion, ple dodir Edeyrn Dafod Aur? Yn ol ei gyffes ef ei hun ar sail Einion y gweithiodd. Dywed iddo ychwanegu peth at ddosbarth hwnnw neu ei “fwyhau”, ac iddo gael cadarnhad Barn Llysoedd ei Arglwyddi ar ei chwanegiad, nid amgen, eiddo Llywelyn y Llyw Olaf a’r

¹ *Y Beirniad*, v, 2, 129-134.

lleill, ac felly cyn 1282. Ac eto i gyd nid yw hyn oll namyn “ceisio llygru ffynonellau hanes” trwy dwyll. Yn y gramadeg y dywedir ei fod yn waith Edeyrn cyn 1282 rhoir fel siampl o doddaid ddarn o awdl a ganwyd gan Wilym Ddu i Syr Gruffudd Llwyd o Ddinorwig yn 1322, dros ddeugain mlynedd wedi (cymharer *Myv. Arch.*, 276b, 22-26, â *Dosp. Ed.*, xxix). Dyma'r gŵr sy'n honni dilyn Einion Offeiriad yn honni 'r un pryd ei fod yn byw genhedlaeth o'i flaen. Tystiolaeth y llawysgrifau ydyw mai i Rys ap Gruffudd, gwrthrych yr awdl, y gwnaeth Einion ei Ddosbarth hefyd. Dyna ddywed *Mostyn* 110 (70), “Llyfr Kerddwriaeth a wnaeth Einion Effeiriad o Wynnedd i Syr Rys ap Gruff. ap Howel ap Gruff. ap Ednyfed Vychan yr ynryddedd a moliant iddo ef”. A dyna'r achau yn llawn ac yn gywir. Felly hefyd *Peniarth* 158 (112), “a fal llyn i terfyna y *llyfr ker[dd]wriaeth* ner pryd *lyfr* yr hwn a naeth *einion yffeiriad* oi ardderchawg ywenyddiaeth i rys ap gryffvdd ap ho'l ap gryff ap ednyfed vychan o fon a bryn ffanigl yn sir ddinbych . . . rys ap gr: oedd dad syr gr: llwyd o dregarnedd ymon a thad syr rys hen . . . amser Edw. III” (*Reports*, i, 943). Mae'r ach yn gywir gan yr ysgrifennydd hwn hefyd, ond ei esboniad arni yn anghywir. Nid tad Syr Rhys Hen ond Syr Rhys Hen ei hun yw gwrthrych mawl Einion, a noddwr ei Ddosbarth.¹ Daliai rannau o Fab Wyniawn,² cwmwd yng Ngheredigion, a chyfeirir at hynny yn yr awdl (ll. 104).

Ac os i Rys ap Gruffudd y gwnaeth Einion ei ddosbarth rhaid mai rhwng 1310 a 1355 y bu hynny, neu'n fanylach, ar ol 1322 a chyn 1355. Nid yw mor hawdd penderfynu amseriad yr awdl. Daw ar ol 1314 os at frwydr Bannockburn y cyfeiria *Gogledd argyweddd* (ll. 23) a chyn 1328 os

¹ *Transactions of the Honourable Society of Cymmrodorion*, Session 1913-14, t.d. 97-9.

² *Ibid.*, t.d. 194, Llanbedr Pont Stephan, Trefilan, Silian.

medrir pwyso ar absenoldeb *Syr* o flaen enw Rhys ynddi. Pe medrid derbyn yr ystyr gyffredin i *uriad* (ll. 126), sef ‘hen ŵr’, buasai hynny’n rhy gymnar. Prin ddeg ar hugain oed fuasai Rhys yn 1320. O’r ochr arall ceir yn ll. 164-5 “Ryswr *ifanc* arfeiddiad, *Ifanc* Ffranc, Ffrengig ddyad (=dull).” Ac eto yn y llinell nesaf bron, “Iaith gymen aren *uriad*.” Ac yn groes drachefu i hynny yn ll. 173 “Syberw *fackwy*” ydyw neu fachgen ieuanc cwrtais. A all mackwy fod yn *uriad*? Y casgliad y’m gyrrir i iddo yw fod y geiriadurwyr wedi methu gyda’r gair *uriad* o ddyddiau Dr. John Davies ymlaen. Gan fod “*hen uriad*” yn golygu “*hen ŵr*” rywsut neu’i gilydd ymresymwyd mai hen ŵr oedd *uriad* ar ei ben ei hun. Yn wir, mynn Dr. Davies mai terfyniad y gair *henuriad* ydyw yn unig, ac mai camgymeriad beirdd yr unfed ganrif ar bymtheg oedd tybio fod dau air wedi eu huno yn hwnnw, *hen* ac *uriad*. Ond ceir *uriad* ar wahan gan Lewis Glyn Cothi (i, 93) yn y bymthegfed,

Cynta’ aur, o’r cant *uriad*,
A roed ym oedd aur ei dad.

ac hefyd gan Ddafydd ap Gwilym yn y bedwaredd ganrif ar ddeg (Rhif 233, ll. 58).

Gwrddgar gwingar ddâr, gwen-gerdd *uriad*.

Cynygiat mai “pennaeth”, “pendefig” yw ei ystyr. Deallaf *hygaud uriad* fel “warlike leader”, ac *aren uriad*, “gentle lord”. Rhydd hyn galonddid i un gymryd *mackwy*, *rhyswr ifanc*, etc., yn eu hystyr naturiol yn yr awdl, ac felly ei hamseru rhwng 1314 a 1322 yn bur hyderus. Yn Awst 1320 ceir y cofnod—“Grant during pleasure to Rees ap Griffith of the bailiwick of the forestership of Snowedon in Wales.” At y swydd hon y cyfeiria ll. 43-4 mi gredaf, “Gwledych Rys . . Gwlad Fôn ac Arfon, arfoll Wynedd”.

Y cwestiwn nesaf i’w wynebu yw, Beth am ddefnydd

Llyfr Cerddwriaeth neu Ramadeg Einion? A yw 'r gwaith gwreiddiol ar gael? Ple cafodd Einion ei reolau gramadeg? Ai dilyn Geraint Fardd Glas yr oedd, ai yntau cyfansoddi yn hollol ar ei droed ei hun? Buasai ateb pob adran o'r cwestiwn yn gofyn mwy o ofod ac egwyl nag a feddaf ar hyn o bryd. Yn *Reports on Welsh MSS.* Dr. Gwenogvryn Evans ceir hanes nifer mawr o'r hen ramadegau o un Simwnt Fychan (bu farw 1606) i un Einion yn ail chwarter y bedwaredd ganrif ar ddeg; Dwned neu ramadeg Gutun Owain; un Sion Brwynog; a llyfr Wiliam Llŷn "yr hwnn a sgrifennodd yntav o lyfyr david ap Edmwnt" (*Llanstephan* 45) gan roi cynnwys Gramadeg Dafydd Ddu, etc.

Defnyddiais i y rhain yn unig:—

A. *Bangor MS. 1.* Llawysgrif brydferth o femrwn, ac amryw ddalennau ar goll, a'r cwbl sydd ar ol wedi eu cymysgu gan y rhwymwr. Nid yw dechrau 'r gramadeg ynddi, nac amryw dudalennau o'r canol; o leiaf 10 tudalen. Dechreu a'r ganol brawddeg ym Mreuddwyd Pawl: yna bwlech: y Gramadeg (36 tudalen): Pwy bynnac ayynno rydhav eneit i gedymdeith: Llyma deall y pader ynghymrraec: diwedd ar goll.

Ar y clawr ceir nodyn gan "John Jones (Myrddin Fardd). Dywed Mr. Wynne o Beniarth iddo gael ei ysgrifennu yn y fl. 1300". A barnu oddiwrth yr orgraff buasai'n well cynnyg dechrau'r bymthegfed ganrif fel ei amseriad.

B. Gramadeg dienw yn *Llyfr Coch Hergest* (col. 1117-1142) a brintwyd gan yr Athro J. Morris Jones i'r *Bangor Welsh MSS. Society*.

C. *Bangor MS. 2*, sef gramadeg o'r ail ganrif ar bymtheg ("dyma weithan yr viii yr wyth rann o madrodd yw dosbarthu mewn amlwgedigavthach gymrraec noc yn nechraw y llyfyr || o gopi Tomas Sions | a hwn o lyfr W. llŷn" (t.d. 54b.).

Heblaw hyn cymherais rannau o *Mostyn* 110 â *Dosp. Edeyrn* Ab Ithel. Hyd y medraf farnu cymysgwyd gwaith Einion a gwaith Dafydd Ddu gan y gwahanol gopiŵyr a

golygyddion fel nad oes modd sierhau beth yw priod waith pob un; er enghraifft:—

Mostyn 110 (1). *Dafydd Ddu*. Teir ffigur yssyd yn ymadrod y iawnhau ymadrod ac y esgussyaw dros gamymadrod.

Mostyn 110 (43). *Einion Offeiriad*. Tair ffugyr ysydd i ymadrodd y iawnhau ymadrodd ac i esgussodi dros gam ymadrodd.

Llyfr Coch Hergest (col. 1126). Teir ffigur yssyd yn ymadrawd. y wahanu ymadrawd. ac y escussaw dros gam ymadrawd. Vn onadunt a elwir ymgynnull rann a chwyl.

Bangor MS. 1 (24). ffigur yssyd y iawnhau ymadrawd ac iescussodi dros yawn (*sic*) ymadrawd aelwir sinotoges.

Edeyrn Dafod Aur (Dosparth, xxiv). Tri Lliw neu Ffugyr y sydd yn ymadrawd i wahanu iawn ymadrawd ac i escusaw dros gam ymadrawd.

Simwnt Fychan (Dosparth, xcvi). Bellach yssbysswn am y pedwar ffugr y rai yssydd yn esgusodi dros bedwar kam neu bedwar bai. Beth yw Ffugr? Esgus neu liw diarffordd; Y gyntaf yw ffugr (Sillepsis) ymgynnull Yr ail yw ffugr (Synechdoche) arddangos . . . Y drydedd yw ffugr (Evocatio) ymoralw . . . Y bedwaredd ffugr yw (Aphaeresis) Torr penn gair . .

Gwelir fod *Edeyrn* wedi tripio gyda 'r gair *iawnhau* yn union fel *Llyfr Coch Hergest*, a bod un ffigur *Bangor* 1 wedi tyfu'n bedair erbyn cyrraedd *Simwnt Fychan*. (Ai *synechdoche* yw gwreiddiol y ffurf *sinotoges* yn A?)

Yn nosbarth *Dafydd Ddu* ym *Mostyn* 110 (24-5) ar ol rhoi'r dull y dylid moli pob math ar ddyn ceir adran yn dechrau gyda "Ni pherthyn ar brydyd ymyrru ar glerwryaeth". Nid yw o gwbl yng Ngramadeg y *Llyfr Coch* ond daw i mewn yn weddol gyflawn gydag ychydig bach o chwanegiadau yn *Nosparth Edeyrn*, t.d. xxxvii. Dilynir ef yn y ddau gan driodd cerdd, "Tri bei cyffredin yssyd ar gerd". Felly hefyd *Llan.* 3 (472). Yn y *Llyfr Coch* daw'r trioedd yn union ar ol y moledigion, ond amrywia cynnwys y rhestrau.

Yn ol y *Llyfr Coch* (col. 1133) Einion Offeiriad a ddyfeisiodd dri o'r mesurau Cymreig :—

Tri messur ereill auedylyawd einawn offeiryat. nyt amgen hir athodeit. kyrc'h achwta. athawdgyrch gadwynawc.

Meddai *Mostyn* 110 (12), sef Dosbarth Dafydd Ddu :—

Tri messur ereill a dychymygawd Einyawn Effeiryat.

Felly hefyd *Dosparth Edeyrn* (t.d. xxxi) :—

Tri mesur eraill a feddyliaudd Einiawn Offeiriad.

Ac felly Dosbarth Einion ym *Mostyn* 110 (54) :—

Tri messur eraill a feddyliodd Einion effeiriad o Wynedd.

Ond ym Mhum Llyfr Cerddwriaeth Simwnt Fychan *Dosp. Ed.*, lxxiii) :—

Gwedy hynny y dychymygawdd Dafydd Ddu Athraw dri messur eraill, nid amgen ; Kyrc'h a chwtta, Hir a thoddaid, a thawddgyrch Kadwynoc. Einion Offeiriad a ddychymygawdd yntau, Hupunt Hir.

Rhaid fod Simwnt wedi methu ar y pen hwn. Y mae tystiolaeth y Llyfr Coch yn derfynol o blaid y traddodiad arall. Einion ac nid Dafydd a ddyfeisiodd y tri mesur dan sylw. Cadarnheir ei hawl i hyn ond sylwi pwy yw gwrthrych y Tawddgyrch Cadwynog a roir yn batrwm yn y Llyfr Coch ac ym *Mostyn* 110 (16). Fel hyn y mae yn y cyntaf (wedi ei drefnu yn llinellau) :—

Amdyant y ueird,
 vyrden dramwy,
 dramawr ofwy, ofec haelnud.
 hoewon heird
 gan hard uackwy
 vydant wyrwy oe ra ae rud.
 aruen pybyr,
 eruei dymyr,
 aruawc vrehyr ar gwyr gwaerud.
 aryal miluyr,
 eiren mynyr,
 eryr ryswyr *rys abgruffud*.

Yn y llinell gyntaf *Budyant* yw darlleniad *Mostyn* 110: yn ll. 4 dyry rif gofynnol o sillafau, *hoywyon a heird*; yn 6 *hwy rwy*; yn 7, *arf gwyr gwaywrud*. Hollol naturiol fuasai i ddyfeisydd y mesur uchod ganu esiامل ohono i'w noddwr Rhys ap Gruffudd.

At benderfynu pa bryd ym mywyd Rhys y gwnaeth ei ramadeg er ei foliant, gellid pwyso, er yn ysgafn, ar y digrifiad o'r noddwr fel *mackwy* yn ll. 5. Ond gallasai'r gân fod wedi ei llunio ers tro cyn ei chorffori yn y Dosbarth.

Yn y fan hon y daw gwahaniaeth arbennig i'r golwg rhwng *Bangor* 1 a'r llawysgrifau eraill. Geirir y rheol fel hyn yn y Llyfr Coch:—

Tawdgyrch gadwynawe a uyd o gypleu hiryon oll. o bedeir sillaf arhuggeint (?) yn y kwpyl. ac yny cwpwl hwnnw y byd pedwar pennill hiryon. o vn sillaf ar bymthec pob un ohonunt. Ac ym pob pennill hir y byd tri phennill byrrion. deu o bedeir sillaf pob un ohonunt. A phennill arall owyth sillaf. Ar deu bennill vyrrion gyntaf or pennill hir kyntaf pob un onadunt yn ateb y bob un or deu bennill vyrrion gyntaf ordeil [= o'r eil] pennill hir. Nyt amgen y kyntaf. yr kyntaf. ar eil yr eil. Ar bedwarded sillaf or pennill byrr wythsillafawe diwethaf yn ateb yr eil pennill byrr. Ar pedwar pennill byrrion kyntaf or deu bennill hiryon diwethaf yn ateb pob un y gilyd. Adiwedawdyl pob vn or pedwar pennill hiryon. yn ateb y gilyd. Ac nyt reit ateb o vwy nor kwpyl pedwarpennillawe o ny mynnir. eithyr reit yw eu bot yn gygogyon. o diwed y kwpyl hwnnw dechreu y llall. A diwed yr holl awdyl yn ateb yr geir kyntaf. or dechreu. Ar mod hwnnw a gaffat wrth vod lladin.

Ond nid yn unig y mae geiriad y rheol yn hollol newydd yn *Bangor* 1 eithr yr esiامل hefyd. Ac i *Rys* y canwyd hithau hefyd. Eto ni chysylltir y mesur âg Einion Offeiriad o gwbl.

Pump messur kyfredin yssyd ar otleu nit amgen todeit, gwawt o dyn, cyhyded hir, cyhyded verr a rupynt (32b).

Saith messur ereill yssyd ac adechmygwyt wrth y mesure hynny nit amgen gwaewdodyn hir, kyhyded nawban,

byrr athodeit, hirathodeit, kyrch achwtta, gadwynawe. Klo (36b) gyrnach, tawdgrych gadwynawe (15a).

Tawd grych gadwynawe avyd o betwar pennill hirion o un sillaf ar bymthec pob un. ac yny pennill hwnn dau bennill verryon, o bedeir sillaf pob un yn ateb yw gilyd ac un o wyth sillaf a chadwynen yn dwyn y pennilleu hirion or pennill hir kyntaf yr ail pennill. ac wrth diwed awdyl y pennill wyth sillafawe y kynhelir yr awdyl yn gwyl or petwar pennill hirion, ac yn gyghogyon y byd yr awdyl oll hyt y diwed ar gair diwaethaf yn gyntaf val y mae honn.¹

Mawr yth gereis
mwy yth garaf,
nyth digaraf yr a gereis.
klot ath bereis
glut ith baraf
unben araf eireu lletneis.
pob hynt afrwyth²
boet ragot rwyd
bych rwyf ganmlwyd ar swyd pob sais.
Rys dawn hylwyd,
Rys didramgwyd,
Rys dec vy arglwyd kyflwyd kyfleis.

A dechren y llall or gair hwnnw kyfleis. Ac velly hyt y penn yny deler ir gair hwnnw Mawr ith gereis (5 ab).

Sylwer yma yn y nawfed llinell y dymuniad ar i Rys lanw “swydd pob Sais” am gannlynedd. Erbyn 1322 yr oedd Rhys ap Gruffudd yn llanw amryw swyddau dan y goron, a naturiol i'r bardd ewyllysio iddo barhau felly.

Gan fod cysylltiad Einion â Rhys yn weddol sier trwy'r cyfeiriadau uchod, nid hwyrach y goddefir i mi grybwyll peth dinod arall i'r un perwyl, na fuasai grym ynddo i brofi dim arno ei hun. Fe'i ceir mewn amryw o'r gramadegau hyn. Dyfynnaf o'r *Llyfr Coch* (col. 1126) “Deu henw unie adalant un lluosawe. Val y mae rys. ac einawn

¹ Myfi sy'n gyfrifol am drefnu'r llinellau. Nid oes pwynt uwch ben *i* yn y llawysgrif ond ceir un uwch ben *y*. Defnyddir *o* *z* ac *f* hefyd ynddi am *w*, *r*, *s*. weithiau ceir *i* ynddi.

² afrwydd,

a garant oleudyd”, yr hyn o’i gyfieithu yw, “Two singular nouns are equivalent to one plural as in ‘*Rhys* ac *Einiawn* a *garant* Oleuddydd’”. Cyfiawnhau’r gystrawen o arfer *carant* yn y lluosog yr ydys. Ac onid naturiol i Einion ddefnyddio’i enw’i hun, ac eiddo’i noddwr wrth lunio brawddeg i egluro’r rheol? Nid oes ond pwysau pluen i’r digwyddiad; eto nid damwain noeth mo hono.

Carwn nodi pwynt cyffelyb, ysgafn ond arwyddocaol. Yn y *Llyfr Coch* (col. 1137) rhoir cwpled o englyn beius i ddangos beth yw carnymorddiwes.

Mangre grawnuaeth saeth saethuc
Mein ae nad yn hir aduc.

Gan mai Dafydd Ddu o *Hiraddug* yw’r gramadegydd neu ddosbarthwr a gyplysir yn rheolaidd gydag Einion, fel ei ddilynydd, awgrymaf mai ef luniodd yr englyn hwn i egluro natur y bai, ac mai ffurf ar ei ramadeg ef yw un y *Llyfr Coch*. Rhoir 1340 fel y flwyddyn y blodeuodd gan Ab Ithel, a 1350-1400 gan T. Stephens (*Literature of the Kymry*, 490). Buasai felly ychydig yn ieuegach nag Einion, a medrai gorffori gwaith hwnnw, yn rheolau ac enghreifftiau, yn ei waith ei hun.

Heb geisio datrys gwaith y naill oddiwrth y llall, ple cawsant batrymau? Diau bod gramadegau barddonol cyn 1320 yn Gymraeg, ond ni fedrir eu holrhain. Uchod dyfynnais am Dawddgyrch Cadwynawg “a’r modd hwnnw a gaffat wrth fodd *Lladin*”.

Yn *Bangor* 2 (46 b) ceir a ganlyn am Ramadeg Barddonol:—

Bid kydnabyddys i bawb mae honn ywr ffordd i wybod mesvra v kerdd dafod y Rai a adnabyddir drwy awdyrdawd athrawion da (47a) iaith gymraec *ar lladingwyr yrddasol* yn hwyr o amsser nid amgen noc *enion y ffeirad a davydd ddo athro* a dynnasant gidar athrawion kymraec da o vessyray rai a ddechroyassid er ynn amsser Enos ap Seth ap Addaf, etc,

Felly *Dosparth Edeyrn* lxxii.

llyma bellach ffordd i wybod ac i adnabod messurau y gerdd, y rrai a dynnwyd *or Lladin* drwy athrawiaeth *Einion offeiriad a Darydd Ddu Athraw*, y rrai a gonffyrmyodd y messurau a dynnasant ac a dynnodd eraill oi blaen.

Hefyd *Peniarth* 62 (54), *Reports*, I, 442.

llyma bellach ffordd i wybod mesûrau y gerdd y rhai a dynnwyd *or Lladin* drwy athrawaeth *Einion offeiriad*, etc.

Nid wyf yn sicr a ellir cydio mesurau cerdd yn Gymraeg mor uniongyrchol wrth y Lladin, ond y mae *gramadeg* y dosbarthau hyn yn deillio 'n ddi os o ramadeg Lladin.

Safon dysgeidiaeth ramadegol yn y canol oesoedd oedd *Aelius Donatus*, athro *St. Jerome* yn y bedwaredd ganrif. Ei waith ef oedd llawlyfr y prifysgolion mewn gramadeg Lladin; yn gymaint felly nes i *ddwned*¹ fynd yn air am ramadeg, neu lyfr elfennol mewn canghennau eraill o ddysg. Ac ef oedd awdurdod y Cymry hefyd hyd ddyddiau *William Salesbury*. Gwyddys iddo ef droi termau gramadegol ac areithyddol o'r Lladin a'r Groeg i'r Gymraeg. Fe'u ceir yn yr "*Angchwanegiadau*" i *Bum Llyfr Cerddwriaeth Simwnt Fychan* yn *Dosp. Edeyrn* (t.d. cxii).

Yma y ssoniwn bellach am *Ffugran* ai rhannau y rrai a ymchwelawdd *William Salbri* *or Lladin* *Ynghamberaec*.

Amlwg iawn o ba le y cafodd hwynt. Bu yn *Rhydychen*, a dysgodd ei ddwned. Gweler t.d. cxv.

Epanalepsis, *Adgymeriad* (*hyd y dywaid Donat*) vydd pann vo yr un gair yn dechrau ac yn gorffenn ymadrodd, val hynn, etc.

.

Schesis anomation, *Habitus Nominum*, Agwedd, y geiriau a vydd pann gwplysser llawer o eiriau, a chyffelyb lynkwl, val hynn:

Marsa Manus Peligna cohors festina virum vis.

¹ *Mostyn* 110 (71) "*Guttun Owain* a scrifenasai y Dwned sydh yn calyn ai law i hun".

Yn *Grammatici Latini* Keil, IV argraffwyd o'r llawysgrifau *Ars Grammatica* Donatus. Ar dud. 398 ceir,

Epanalapsis est verbi in principio versus positi in eiusdem fine repetitio, ut, etc.

Schesis onomaton est multitudo nominum coniunctorum quodam habitu copulandi, ut

Marsa manus, Peligna cohors, Vestina virum vis.

A cheir y gweddill o *ffugrau* W. S. yn yr un llyfr.¹

Nid anwybodusion oedd Einion Offeiriad, a Dafydd Ddu chwaith ddwy gaurif o flaen Salisbury. Ar sail y gramadegwyr Lladin y gweithiasant hwythau. Cymerer dechrau gramadeg y *Llyfr Coch*, a gwelir beth oedd ganddynt o'u blaenau. Ac eto, nid dilyn yn gaeth gan gau llygaid a wnaethasant, ond cyfaddasu rheolau Lladin at eu hiaith eu hun. Dyfynnaf i ddechrau o'r *Llyfr Coch* ac yna rhof yr hyn a gyfetyb to *Ars Grammatica* Donatus, argraffiad Keil.

Llyfr Coch, col. 1117.

Rei or kytseinanyeit yssyd lythyr tawd. Ereill yssyd lythyr mut. Seith lythyren tawd yssyd. Nyt amgen. d. f. l. m. n. r. s. a sef achaws y gelwir wynt yn llythyr tawd. kanys todi awnant ymywn kerd.

Donatus (Keil, iv, 367) De Littera.

litterarum aliae sunt vocales, aliae consonantes. consonantium aliae sunt semivocales, aliae mutae semivocales sunt quae per se quidem proferuntur, sed per se syllabam non faciunt. sunt autem numero septem, f. l. m. n. r. s. x. ex his una duplex est, x, et liquidae quatuor, l. m. n. r

Yn lle galw'r saith lythyren yn hanner bogaliaid, cymerth y Cymro yr enw *liquidae*, "toddedig", a defnyddiodd ef am y cwbl.² Cymerth *d* o blith y rhai mud a gadawodd *x* allan

¹ Gweler *Y Beirniad*, v, 266-73.

² Am *toddi* yn yr ystyr uchod cymh. *Servii Comm. in Donatum* (Keil, iv, 422) "sane tunc possunt ista liquescere, cum ante se habuerint in una syllaba vel quaecumque mutam vel f semivocalem". Yr enghraifft a roir yn y *Llyfr Coch* yw *mydr, mydyr*. Nid dwy sillaf yw mewn cerdd, ond un. Felly rhaid fod *r* yn *toddi* 'n un gyda'r *d*.

o'r rhai tawdd. Sylwodd Donatus ar *y z* ei fod yn eu derbyn oherwydd enwau Groeg. Nid *yw z* yn rhestr y Cymro o gwbl, ond gan ei bod yn y gramadeg Lladin oedd o'i flaen, rhaid iddo ei henwi.

z yssyd llythyren roec, ac nyt oes le idi ymywn kymraec.

Yr un fath wrth drin ar y llythrennau mud, gan fod *q* yn y Lladin, rhaid ei henwi, er nad oes mo'i hangen lithau yn Gymraeg.

Naw llythyren mut yssyd, nyt amgen, b. c. g. h. k. p. q. t. x.

Donatus (368) lle cambrintir *p* am *q*.

Mutae . . . sunt autem numero novem, b c d g h k
p p t.

Llyfr Coch.

Nyt llythyren. h. herwyd mydyr. namyn arwyd ucheneit.

Donatus.

h interdum consonans interdum *adspirationis* creditur
nota.

Bangor MS. 1 (40).

Rai or sillafen avydant hirion ereill a vydant vyrrion
dan amser avyd i sillaf hir ac vn a vyd i sillaf verr.

Llyfr Coch, col. 1120.

Rei or sillafeu a uydant hiryon. Ereill auydant vyrrion.
Deu amser avyd ysillaf hir. Ac un ysillaf verr. kany's hwy o
amser ybydir yndywedut sillaf hir, noc yndywedut un verr.

Donatus, 368, 369.

syllabarum aliae sunt breves, aliae longae, aliae com-
munes . . . longa syllaba duo tempora habet, brevis unum.

Llyfr Coch, col. 1121.

Dwy rañ ymadrawd yssyd, nyt amgen henw a beryf.

Donatus. De Partibus Orationis (372).

Partes orationis sunt octo . . . ex his duae sunt prin-
cipales partes orationis, nomen et verbum . . . multi
plures, multi pauciores partes orationis putant.

Llyfr Coch, col. 1140.

Teir rann ymadrawd yssyd, henw arachenw a beryf.

Commentarius in Artem Donati (Marius Servius Honoratus),
Keil, iv, 428.

Dnae sunt principales partes orationis, nomen et verbum Aristotelici duas dicunt esse partes orationis, nomen et verbum, Stoici quinque, grammatici octo, plerique novem, plerique decem, plerique undecim.

Dilyn yr Aristotliaid, feddylwn, oedd tuedd Einion a Dafydd Ddu, onibai i'r ysfa am driawd yrru gramadegydd y Llyfr Coch i'w wadu ei hun.

Llyfr Coch, col. 1121.

Den ryw henw yssyd. vn priawt ac un galwedie.

Donatus, 373.

Qualitas nominum bipertita est. aut enim propria sunt nomina aut appellativa.

Llyfr Coch, c. 1122.

Teir grad kymharyeit yssyd. possyeit. achymeryeit. a superleit.

Donatus, 374.

Comparationis gradus sunt tres, positivus, comparativus, superlativus.

Llyfr Coch, 1121.

Den ryw henw galwedie yssyd. henw galwedie odidawe. ac henw kyansodedie.

Donatus, 377.

Figurae nominibus accidunt duae, simplex et composita.

Llyfr Coch, 1123.

Pump mod beryf yssyd. Nyt amgen managedie . . archedie . . damunedie . . amodedie . . anteruynedie . . . Ac vn mod arall yssyd aelwir gwediedie . . . ar mod hwnnw agynhelir ydan archedie.

Donatus, 381.

Modi autem sunt, ut multi existimant, septem, indicativus . . . imperativus . . . promissivus: sed hunc nos modum non accipimus: optativus . . . coniunctivus . . . infinitivus . . . impersonalis.

Llyfr Coch, 1123.

Den ryw genedyl beryf yssyd. gwnenthuredie adio-deuedie.

Bangor 1 (19).

Den ryw genedyl beryf yssyd nit amgen Actif a phassif.

Donatus, 413 (cp. *Dosp. Ed.* 1, ll. 41).

Verborum genera quinque sunt, activa passiva neutra communia deponentia . . . quantum ad significationes pertinet, omnia ista quinque duas habent significationes, id est aut agentis aut patientis.

Bangor 1 (19).

Actif veryf yw adangosso gwneuthur val ymae prydaf dangos ydwyf vy mot yn gwneuthur prydiat. Passif yw beryf adangosso diodef val ymae am kerir diodef yd wyf vyngarn.

Llyfr Coch, 1124.

Tri amser beryf yssyd. kyndrychawl apherffeith affutur. Kyndrychawl yw yr hwnn yssyd yn awr ual y mae karaf. Perffeith yw yr hwnn aaeth ymeith. Val y mae kereis, ffutur yw yr hwnn adel rac llaw. ual y mae karwyf. Gyt a hynny ymae amperffeith. Yr hwnn nyt aeth ymeith kwbyl. val ymae karwn. A mwy no pherffeith yr hwnn aaeth ymeith ys llawer dyd. val y mae karasswn.

Donatus, 414.

Tempora sunt quinque: praesens . . . praeteritum imperfectum, quod omissum est et non completum . . . praeteritum perfectum, quod completum est paulo ante . . . praeteritum plusquamperfectum, quod completum est olim . . . futurum, quod imminet . . .

Y mae perthynas *Pum Llyfr Cerddwriaeth* Simwnt Fychan (*h. y. y* rhannau ar ramadeg ohonynt), â *Donatus* yn gaethach lawer, weithiau 'n afresymol felly. Rhoir "Tri consigassiwn y ssydd mewn Berf, un mewn a; ail mewn i; y trydydd mewn e" wrth drin ar *Gymraeg yn Dosp. Ed.* 1, peth hollol anghywir. Nid yw ond talfyriad o sylwadau *Donatus* (t.d. 382) ar y ferf yn *Lladin*. Felly hefyd yn nodiadau *Servius* ar *Donatus* (t.d. 422) yn yr ymdriniaeth ar y *semivocales* dywedir y seinir eu henwau gyda'r llythyren *e* a'u sain naturiol yn dilyn fel "*ef el em en er es ix*". Yna nodir fel yr enwir *x* yn *ix*. Ond yn enwau'r llythrennau mud daw 'r *e* ar ol eu sain naturiol megis *be ge*, etc. Cynygiodd Simwnt neu rywun arall roi hyn fel deddf yn *Gymraeg* hefyd (*Dosp. Ed.* xlii).

Sef yw y modd i adnabod mud a thawdd : yr honn y bo ssain y vogail yn i dechreu, tawdd yw, val y mae s, yr honn y bo ssain y vogail yn i diwedd mud yw val y mae b.

Ond y mae 'r *Pum Llyfr* yn rhy ddiweddar i'm pwrpas, neu gellid dangos nad yw'r toreth o'i ramadeg ond cyfieithiad mwy neu lai o'r Lladin, a chymysgedd o Ddosbarthau Einion a Dafydd Ddu.

Ni lwyddais eto i daro ar y ffurf arbennig o Ramadeg Lladin oedd o flaen Einion a Dafydd. Nid Donatus oedd yr unig awdur ar ramadeg, er mai ef oedd y mwyaf poblogaidd. A phe buasai ef yr unig un, eto amrywiai'r llawysgrifau, ac amrywiai barn yr esbonwyr a'r beirniaid arno. Fy amcan yn hyn o nodion oedd dangos fod y "Lladingwyr urddasol", Einion a Dafydd, wedi gweithio ar eu gramadeg Cymraeg, â llawlyfr ar ramadeg Lladin, fel un Donatus, yn agored o'u blaen. Dyna 'r patrwm. Nid yn unig daeth termau unigol fel *berf*, *bogal*, o Ladin diweddar (*verbum*, *vocalis*, wedi i'r sain *v* ar y dechreu droi 'n *b*) ond daeth geiriad manwl rheolau gramadeg yn syth o'r Lladin; ac ni ellir deall bob amser y rheol Gymraeg ond trwy gymorth y rheol wreiddiol.

Offeiriad oedd Einion, ac Athro neu Berson oedd Dafydd Ddu. Ai yn ysgolion Mynachlogydd Rhydychen y cawsant eu dysg, ai yntau dysgu Dwned mewn mynachlog yng Nghymru? Sut bynnag am hynny, gwyddys fod digon o efrydwyr Cymreig yn Rhydychen pan dorrodd Rhyfel Owain Glyn Dŵr allan pan oedd Llyfr Coch Hergest ar ganol ei ysgrifennu. A thybiaf mai yno y daeth Einion a Dafydd hefyd i gysylltiad mor fyw â dysgeidiaeth Ladin, a gyfaddaswyd ganddynt mor ddeheuig at anghenion llên eu gwlad a'u hiaith eu hunain. Eto nid oedd yn amhosibl iddynt gasglu dysg yng Nghymru. Nid rhyw gilfach o ddŵr marw oedd Cymru chwaith yn y bedwaredd ganrif ar ddeg.

Yn yr awdl sydd yn dilyn gwelir mor gywrain yw plethiadau'r mydrau gan Einion. Dywedwyd uchod fel y caiff y clod o ddyfeisio tri mesur. Yma ceir tair enghraifft o Hir a Thoddaid (ll. 135-152), a thri Chyrch a Chwttá (ll. 157-177) ond bod cwpled ar goll yn yr olaf.

EINION OFFEIRIAD I RS AP GRUFF. AP HOELL
AP GRUFF. AP ED'N VYCHAN.

[*Gwynedd MS. 4 (50).*]

- 1 Rys ap Gruffudh fudh feidhiaw rhudhiawdr rhyshed
Gorfoledh gair foliawdr
Rysfa coron Rhon llew rhenawdr eedyrn
Arfau chwyrn teyrn heyrn huawdr
- 5 Rusfa galon son rhi seiniawdr arfau
Rugldhraig mewn brwydrau riau ruawdr
Ren fedh dhiomedh emerawdr llysoedh
Llu torfoedh pobloedh lluoedh lliwiawdr
Rodhion dirfowrion difeiriawdr deifrdref
- 10 Nodha ef rhi nef naf hael greawdr

Creawdr emerawdr lloviawdr llu byd
Creaf gof ynof enwawg yspryd
Wrth foli fy rhi rhuglbryd yn arfau
Rysfau paladrgrau aergrau ergryd
- 15 Llinonbar anwar nid anwyd yngryd
Llyna Rys llwry brys breisgion bedhyd
Llawhir a glowir glwyf enbyd yn rhiw
Llary dhiedliw gwiw gwaew gwyarllyd
Llaw fuan darian dewr ior yn rhyd
- 20 Llew trin llyw brwydrdrin dibryder einglbyd
Llawn eurlafn drafn dreifn elbyd eglur
Lluniaidh greawdr mur mireinbryd
Gogledh argowedh eir gyweir heb wyd
Gyflawn ynghamawn dhawn dhiieglyd
- 25 Cigle dwyn aergwyn ergyd anghenawl
Deifr daw! eil greidawl wrawl wryd

Gwryd mawr i gryd greidaw dhewredh
Gwrawl eryr gwyr Gwejrydh falchedh
Geraint herwydhy braint maint a mowredh
- 30 Gair dethol reol ruawn befrwedh

- Gwr gwiwlys yw Rys rhyseth gogoniant
Gwir foliant anant gloew ariant gledh
Ail Arthur modhur mydr orfoledh
Ail Gwalchmai difai difeth fonedh
[p. 51.] 35 Peredur lafndhur mur maranedh
Dar trychdhwyn medhw an kwyn medh
Gwell na Nudh am rudh rodh dhiomedh naf
Ail Mordaf rydhaf Rydberch fowredh
Gwledig arbennig bennaeth cann wledh
40 Gwledydth dawn gynnydth gynedhth fonfedh
Gwledfawr gwawr eurglawr argledr Gwyned
Gwlalwydth glaif hylwydth hil teyrnedh
Gwledyeh Rys glyw brys browysedh Brython
Gwlad fon ag Arfon arfoll wynedh
45 Gwynedh orfoledh
Gwiw naf anrhydedh
Gwnn gyfedh rhyseth Rys ith elwir
Gwawr gwyr y deau
Gwerin gludwin glau
50 Gwarawd wledhau hygla^u hoew glodforir
Gwalch balch a bwlchlain
Gwalchaidh iraidh rain
Gweilch beilch bwlch fydhain gordhain gordhir
Llew llafn gynnig hed
55 Llyw glyw glod ehed
Llywiau^{dr} anghyfred teyrnedth tir
Llinon belydr briw
Llasar ysgwydliw
Llurugawg yn rhiw cywiw cywir
60 Llwrw rhwydth hylwydth hael
Lladh y ffysg heb ffael
Lliaws rodh modh mael nid gwael nid gwir
Gwiraf haelaf a helaeth fudh
Gwinfaeth arfaeth arfau kyfrudh
65 Gwiwlys yw Rys rhyswalch brwydrbrudh
Gwaewlym yngrym yngredhth ludh
Gwaladr paladr pelydr cochrudh
Gweilging perging pefrgoedth dheurudh
[p. 52.] Gwalchmai erfai arf dhioludh
70 Gwalch maws llynaws traws tros for rudh
Gwanas eurbth blas aerblaid llafnfudh
Gwanaf haf hael hail dadannudh

Goran gwr hygar fab Gruffudh
Gwawr gwyr pybyr eryr eurudh

- 75 Eurudh bydhyn clodfawr anant
Eidhaw reol adhwyn Rolant
Mynychwedh arail
Mewn medhgryn buail
Modhgar hail hwyl moliant
- 80 Adhurn ail turn mewn twrneinant
Adhas urdhas ardhelw moliant
Eryr myr mirain
Eiriau arwyrain
Aerwr cain caent ariant
- 85 Walch balch beilchion garant
Edhyl beirdh heirdh ae llochiant
Medrdhawn hael arglwydh
Mydriaith gyfarwydh
Modhur rhwydh rhydh budhiant

- 90 Budhiant pobloedh
Budh bydhinoedh torfoedh terfysg
Breidhiad cad cadr
Baed briw baladr belydr ar ffysg
Breisgdrafn yw Rys
- 95 Breisgion emys ymwan adhyssg
Pair di dramgwydh
Por par ebrwydh doflwydh deifrlfysg
Mur mireingall
Morach diwall mowrball morbyssg

- 100 Morbyssg mirain ffysg ffysgiad eigiawn
Mowrball mur diwall diwyl dreigl dhawn
Mygr-wys lys yw Rys rhyswalch camawn
Maer wysg flur llafndhur iaith eglur iawn

[p. 53]

- 105 Air digel cwrel caredigiawn
Aer clyf gledhyf orgryf orgrawn
Eryr plant rhyswyr rhyswr brwydrdhawn
Un amlw arfau arfawg dhigawn
Yn emliw etiw ateb kyfiawn
- 110 Yn ymladh yn lladh lloedh estrawn
Yn emlaen ymlid croewlid creulawn

- Creulawn arth camawn cymar Custennin
 Llew bydthin blin blaengar
 Hyfro gymro gynraïsg i far
 115 Hyfrwydr aergrwydr ergryd anwar
 Hyfrys emys ymwan dharpar
 Hyfryd kyfryd cyfred adar
 Hyfrwysg llys yw Rys rhwysg faniar aerdhrud
 Eurdhraig glud glod wasgar
 120 Hyglod arfod arfau drydar
 Hyglau arfau lluchfau llachar
 Hyglaiſ hynaif nid hynaws far
 Hynod dhiedh dhewr vlæsar
 Hyglær arf rydaer rodïar bydhinoedh
 125 i filoedh ufeliar
 Hygad uriad arial cañ car
 Hygall hyball hybwyll lafar
 Hygadr paladr pelydr creugar
 Hygrym hylým hoewlathr aerdar glaif cycruth
 130 anhygudh anhygaſ

Anhygar i bar berigl brys yngyrth
 A bair angau dilyſ
 Gwaladr helmdew rhew rhudhgrys
 Gwayw gwenwynbar rhodhyar rhys

- 135 Rys hyfrys emys amlged prydydhion
 Rys hyspys i lys ar les cerdhorion
 Rys waewdwn yw hwnn bonnaid gan saeson
 Rys wiw deg ofeg afar amhirion
 Rys a wys pwy Rys rhwysg faon brwydrsudh
 140 Hil Ruffudh waewruth wiwraïdh i ordion
 [p. 54] Ior por par . . . aergrwyd par . . . gryd galon
 Iaith hylwydh gyfrwydh gyfriw Pendragon
 Iesu yw garu wr gorau hyd Fon
 Iesin darian dewrflaidh ymrwydrson
 145 I orwydh hylwydh i haelion is rhaith
 Is maith ar saith or seuthydhion
 Seuthydh digerydh ag nid digeron
 Saethau brys yw Rhys yn rhwysg ymryson
 Saethydh aeth ar fae ag arfae llymion
 150 Saethiad mad medr nod or mydr nwyd gofion
 Seith feirch pawb ae peirch parch Arfon ym naf
 Ef yw'r ehofnaf or gwyr ehofnion

- Ehofn hy anwr enwawg wys aerdhrud
 Eurdhraig Brydain ynys
 155 Bryswalgw llyw llurygfrys
 Rysedh drwy fawr reufedh Rys
- Rys rhudhlys rhodhbloyw dhillad
 Rysedh gwledig drosedh gwlad
 Rwysg frwysg fraidh waig hardh wisgiad
 160 Rwyf brwydrdrin cadr ordin cad
 Reufedh rhyfedh wasgariad
 Rhedh rhudh i rhon rhodhion rhad
 Ryswalch ehud mewn crafank
 Ryswr ifanc arfeidlhiad
- 165 Ifanc ffranc ffrengig dhyad
 Iyfanc ae mawl dedhifawl dad
 Iaith gymen aren uriad
 Iefengtyd llary dhilyd llad
 Iowndeg reg rugl ostyngiad
 170 Iownder eurner muner mad
 Iowndeml mewn cod fyfyr
 Iowndaith kerdhwyr sybernad
 Syberw fackwy rhwy rhodhiad
 Syberwyd bryd brwydr gyrehiad
 [p. 55] 175 Sa . . . cain cenedl gynheliad
 Sawyl gadr bar gymhariad
 Sasbost rhyfel gymhelrhi
 Ys hawdlh moli penn cuniad
- Penn cun llys yw Rys rhyisedh Beli mawr
 180 Amerodr Romani
 Rwyf bost rhyfel gymhelrhi
 Raidh rhodhiawg Rys frowys fri

Terfyn.

DARLLENIAU ERAILL O PENIARTH MS. 159.

Wedi i'r uchod fynd i'r wasg cefais gymhariad o'm copi o *Gwyneddion* 4 â'r testyn sydd yn *Peniarth* 159 (137) trwy garedigrwydd Mr. T. Gwynn Jones, M.A. Aberystwyth a charwn gydnabod ei gymwynas amserol yn y fan

yma. Llanwodd ei gopi ef y bylchau yn fy un i; a rhoes gywirach darlleniad o amryw linellau. Y mae *Peniarth* 159 tuag ugain mlynedd yn hŷn na *Gwynedd* 4. Ysgrifennwyd yr olaf tua 1594-5: ar dud. 60 ynddi ceir Cywydd o waith Edwart ap Raff i'r Capten Wiliam Middleton "lle mae y prydydd yn kwyndfanv mor dhibris ywr gelfydhyd gaŷn lawer or to yma. 1594;" ac ar dud. 133 rhoir rhestr "Enwe y gwyr wrth gerdd a fu n lleweny wile r natolie 159(5)". Torrwyd y ffugr olaf allan, ond yng nghynwysiad Peter Bailey Williams i'r llawysgrif ceir y rhif yn llawn. Ai Salsbriaid Lleweni oedd ei pherchenogion i gychwyn? Am *Peniarth* 159 dywed Dr. Evans ei hysgrifennu yn 1578-9 ac 1585. Ymddengys y rhan lle ceir yr awdl fel yn perthyn i'r amseriad cyntaf.

Yn *Peniarth* 159 medd Mr Gwynn Jones, yn gyffredin ysgrifennir dd (yn lle dh), rr (am rh), ss; ond ni fuasai'n werth dangos amrywiadau felly yma. Rhof ei ddarlleniadau ef fesur llinell.

Teitl. Owdl voliant o waith Einion yffeiriad i Rys ap Gruff ap Howel ap Gruff ap Ednyved vychan.¹

- | | |
|--|---|
| ll. 4. hrawd (<i>v</i> superscribed <i>e</i> in later hand). | ll. 27. mawr gryd greidawl. |
| 6. reawdr (am <i>ruawdr</i>). | 32. a wnant. |
| 7. di omedd amherawdr. | 34. Walchmai ddifai ddifeŷ. |
| 8. Llyw (am <i>llu</i>) . . . llywiawdr. | 35. llafnddur mvr morannedd. |
| 9. difwriawdr. | 36. ankwyn <i>a</i> (written above but in same hand). |
| 11. amerawdr. | 37. no (am <i>na</i>). |
| 12. Krea. | 38. rydaf. |
| 20. brwyddfin . . einglbryd (the <i>r</i> is there but smudged). | 39. kan gwledd. |
| 23. gywir. | 41. gwleddfawr. |
| 25. ddwyn . . . anghenawl. | 42. gwladlwydd . . teirnedd. |
| | 47. gwiw gyvedd. |
| | 50. gwarawdd. |

¹ Methais ar dud. 118 uchod wrth ddywedyd fod bai ar y teitl. Y mae'r ach yma yn hollol gywir. Dyfynnu yr oeddwn o *Reports on Welsh MSS.*, Dr. Gwenogvryn Evans, i, 946, ac yno trwy anflawd y mae'r teitl yn anghywir.

- | | | | |
|---------|---|----------|---|
| ll. 52. | gwlehaidd flaidd raidd
rain. | ll. 127. | hygall hygall hybwyll (<i>b</i>
written above). |
| 53. | gwrdd hir. | 131. | ai bar. |
| 56. | teirned. | 134. | rodiar rys. |
| 58. | ysgwyddliw. | 135. | brydyddion. |
| 60. | lladdysc flysc. | 137. | honnaidd (<i>d</i> crossed out). |
| 63. | gwiraf a haelaf. | 138. | ovar amhirion. |
| 64. | gwiwfaeth. | 140. | gruffudd . . . orddion. |
| 65. | gwiwlys rrys. | 141. | Ior por par aergrwydr
pair ergryd kalonn. |
| 71. | llafnussudd. | 146. | or ssaith o ssaethyddion |
| 75. | kloddfawr a nant. | 147. | die geron. |
| 76. | adwyn (superscribed <i>d</i>
later). | 149. | Sseithydd aeth ar faeth
ac. |
| 80. | twrneimant. | 150. | nodd or mydr nawdd
govion. |
| 85. | Gwalch. | 151. | ai peirch parch ar von. |
| 86. | Eiddil . . . llechant. | 153. | anwar enwawe hywys (<i>a</i>
superscribed in blacker
ink). |
| 95. | These lines follow after
line 95.
Naf nwyf kreulawn
yn arw ganawn yn aer
gymyse.
(<i>n</i> in <i>ganawn</i> converted
to <i>m</i> in blacker ink). | 155. | bryswaelgyw. |
| 97. | (<i>r</i> put in <i>doflwydd</i> in
blacker ink.) | 156. | drwy . . . reussedd (<i>y</i> added
in blacker ink, space left
between it and next
word). |
| 101. | diwyll dreigliddawn. | 159. | fraise (am <i>fraidh</i>). |
| 102. | llys . . . kaniawn. | 160. | brwydrdin . . . orddin. |
| 104. | aer fryhyr dymyr. | 163. | kyfrank. |
| 107. | brwydr lawn. | 164. | iefank. |
| 109. | yn emlyw etyw. | 165. | iefank. |
| 112. | Kwstennin. | 166. | Iefaink . . . ddeddfawl
(<i>d</i> scored in later ink). |
| 114. | y barr. | 169. | ystyniad. |
| 116. | darpar. | 170. | Iowndec (<i>c</i> or <i>r</i>). |
| 117. | kyfryd (<i>y</i> crossed out, <i>e</i>
written above it). | 171. | kad (am <i>cod</i>). |
| 123. | hoywgledd diedd ddewr
(first <i>d</i> in <i>ddew</i> crossed
out; <i>r</i> added after <i>w</i> in
blacker ink). | 172. | ssyberwnad. |
| 124. | jwl- ssessar (<i>k</i> written
above <i>ss</i> in blacker ink). | 175. | Ssain kain kenedl gyn-
heiliad. |
| | | 177. | Ssabost. |
| | | 180. | amerawdr. |
| | | 181. | kymelrri. |
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NODIADAU.

ll. 1. **rhysedh**.—Dyry Bodvan yn ei Eiriadur yr ystyron hyn i rysedd, “excess, superfluity, foolhardiness”, gan gyfeirio at l Pedr iv, 4, “rhedeg i'r unrhyw ormod rhysedd”. Ond nid *rhysedd* eithr *gormod* sydd yn golygu “excess” yn y frawddeg hon. Y gair oedd o flaen Salesbury yn y Groeg oedd ἀσώτεια “profligacy, prodigality”: os oedd y cyfieithiad Lladin ganddo, yn hwnnw gwelai “in eandem *luxuriae* confusionem”. Ac felly un ai “prodigality” neu “luxury” oedd ystyr rhysedd i'r cyfieithydd cyntaf i'r Gymraeg. Erbyn troi at Hen Gymraeg, ceir digon o enghreifftiau o'r gair, ac ystyr dda iddo bob tro. Defnyddir ef am Dduw yn *Llyfr yr Auer* tud. 99. “Molyant mawred yr tat *ryssed* rwyse adwynhaf”. Hefyd am groes Crist, *Myv. Arch.* 307a, “Crog calfaria faerdy gratia *fawrdeg ryssed*”. Daw i mewn i fawl y tywysogion a'r penaethiaid, megis isod, ll. 31, am Rys, “rhysedh gogoniant”; ll. 179, “rhysedh Beli mawr”. Cymharer hefyd *Myv. Arch.* 299a, “rhysedd Ul Cesar”; 336a “Iawn fryd Geraint gwrawl ryssedd”; 152b, “Pan amug Tegeingl teg rysed”. Cysylltir â brwydr yn 198a, “*gynnif ryssed*”; 206b “Cochurynn Keredic kyrcheist *ryssed* gwr”; 239a “Lle bo cad uragad uriwgoch *ryssed*”. Hefyd â gwledda, megis isod ll. 47, “Gwnn *gyfedh rhysedh*”. Ni fedrir ei wahanu oddiwrth *edryssed* yn 277b, “Kyuet edryssed ef ny dreissir”; *Skene*, ii, 93, “dyd kein edryssed”; *Myv. Arch.*, 298b, “cain ei ryssedd”; 196a, “Seint angaw a llydaw llu edryssed”; 259a, “Gwr a vyd y enw yn edryssed”; 239a, “O arglwyd gwladlwyd glod edryssed”; *B. B. C* ; 57 (3), “Pibonwy imblew blin wy ryssed”; 88 (11), “Y pen y seith mlinet y duc ren y risset”; *Skene*, ii, 124, “Pan prynassant danet trwy flet called | Gan hors ahegys oed yng eu ryssed | Eu kynnyd bu ywrthym yn an uonhed”. Yn yr enghraifft olaf disgrifir cyflwr tlodaidd y Saeson, pan brynasant Ynys Thanet drwy ddichell, a chyn iddynt ymglyfoethogi ar bwys y Brython, “oedd ing eu rhysedd”, h.y. yr oedd eu rhysedd yn wasgedig. Beth gan hynny yw rhysedd? Rhed y meddwl o wychder, rhwysg, a balchder trwy'r enghreifftiau i gyd, “glory, splendour, vigour, luxury, luxuriance”. Nid yw ond cam i'r ystyr o wastraff ac afradlonedd, fel yn y Testament Newydd.

ll. 3. **rysfa coron**; cp. *Myv. Arch.*, 152b, r. cad; 257b, “Rysua kyrt kalan yonawr”; 262b, “Llawer deigyr hydyruer ar hynt | Hityl am rys ryssua mynwent”; 299a, “r. clod orfod”; ac yn ll. 14 isod yn y lluosog, *rysfa*. Nid yw'r ystyr yn eglur i mi. Ai “rhagoriaeth” yw neu “ysblander”? Pe gellid penderfynu beth olyga *Rhys* fel enw priod a chyffredin teffid goleuni ar amryw o eiriau sydd fel pe'n perthyn iddo. Ceir *rhys* fel enw cyffredin yn golygu “marwor”; yr un a'r Wyddeleg *richis richsea* yn ol Pedersen; a chan fod enwau

marwor yn tarddu 'n naturiol o wreiddiau yn golygu "gloyw, disglair", buasai *Rhys* fel enw priod yn golygu "hardd, disgleir-loyw"; a *rhysfa* yn golygu "disgleirdeb, hyfrydwech". Deuai *rhysedd* o'r un ffurf. O blaid rhyw ystyr o'r math hwn i *rys* y mae ystyr amlwg terman fel *rhyswr*. Ymddengys i mi, na fedrir amau beth yw *rhyswr*. Nid milwr cyfredin mohono, ond "hero", "champion". Wrth ddisgrifio hela'r Twrch Trwyth, dywed y chwedl (*Red Book, Mab.*, 140), "dygwydaw o arthur arnaw a rysswyr prydein gyt ac ef". Gelwir Dillus fab Erfei "y rysswr mwyaf a ochelawd arthur eiryoet"; ac ym *Muchedd Gruffudd ap Cynan* (120), "Arthur henyt brenhin brenhined enys brydein a rysswr honneit clotvawr". Felly rhyswr oedd Arthur ei hun. Yn *R. B. Mab.*, 108, gelwir Gwenwynwyn m. Naf yn "gysseuin rysswr" Arthur, y cyntaf o'i arwŷr. Gweler hefyd isod, ll. 107, 164, lle gelwir Rhys ap Gruffudd yn rhyswr, a ll. 65, 102, 163, yn *rhyswalch*.

Ai fel "champion" Edwart II y cyferchir Rhys yn "rhysfa coron", ai yntau fel hyfrydwech y goron, cyfaill y brenin? Dylid sylwi nad yw-*fa* o angenrheidrwydd yn golygu "lle", cymh. y modd y defnyddir *lladdfa*, ac *aerfa*.

ll. 4. **huawdr**, cymh. Casnodyn, *Myv. Arch.* 287b, "Trevynawdyr llwyr huawdyr lloer a huan". *Brut.*, 322, "huawdyr wrth nfudyon"; 313, "hynaws o ymadrodyon A huawdyr wrth bawb"; 309, "den huodron". Ai "doeth"? Dyry Bodvan *hyawdr* yn unig, "capable, competent".

Os derbynmir *heawdr* fel y darlleniad gorau, cymerer *heyrrn heawdr* gyda 'i gilydd fel "chwalwr saethau a gwaewffyn" mewn brwydr. Yr un grym sydd i *heawdr* â *heuwr*. Cymh. *Skene*, ii, 71, "heessit waywawr y glyw"; "heessyt onn o bedryollt y law"; 79, "heyessit e lavnawr rwng dwy vedin". Credaf mai *heawdr* sy'n gweddu orau yma.

ll. 6. **ruawdr**, darllenner "rheawdr". Cymh. *Peniarth*, 169 (207), "Henweu Arglwydd, *Riawdr*, Dovydd, etc.". *Skene*, ii, 270, "Ym myw run *reawdyr* dyhed" (o'r gwreiddyn *reg*—). Yr ystyr yw "rheolwr".

ll. 8. **lluoeadh lliwiawdr**, yn well *llywiawdr*. Am Rys fel arweinydd lluoedd, gweler *Trans. Cymm.* 1913-14, 194-200.

ll. 9. **difeiriawdr**.—Fel y saif y gair yma, golyga "y gŵr a wna dref Deifr (neu Saeson) yn amddifad o faer". Ond *difuriawdr* ebe *Pen.*, 159. Oni ddylid darllen *difuriawdr*? Dinistrydd muriau tref Sais ydoedd.

ll. 12. **Creaf**; darll. *crea*.

ll. 26. **G Reidawl**, ep *R. B.*, *Mab.*, 304, Greidawl Galofydd.

ll. 28. **Gweirydh**, ep *Brut.*, 94-98, Gweiryd Adarwenidawe.

ll. 30. **Ruawn befrwedh**, ep. *R. B. Mab.* 305, 2.

ll. 33. **modhur**, darllenner *modur*.

ll. 36. **dar trychdhwyn.** Gwaewffon dderwen a honno yn dwyn dinistr, trychineb ar y gelyn. Cymh. enwau fel *fflamddwyn*.

an kwyn, darll, "ankwyn", gwledd.

ll. 37. **am rudh rodh,** am rodd o aur rhudd.

ll. 40. **ronfedh.** *Rhon* yw ffon, gwaewffon, cynffon. Yr ail ran o'r gair, *medd* fel yn "troedfedd, modfedd"; nid "bedd" troed yw troedfedd ond "mesur" troed, canys ceir hefyd *awrfedd* yn *Myr. Arch.*, 239a, am fesur neu hyd awr. *Cyneddf rhonfedd* fuasai gŵr a arferai "fesur" ei waewffon yn erbyn gwaew ei elyn.

ll. 41. **gwledfawr,** gwleddfawr. **argledr,** ep. *cledr*, "post, pillar, beam". Gelwir arglwydd yn "bost cad" yn dra aml, am ei fod yn cynnal ei fyddin yn y frwydr: felly "cynhaliwr", "arglwydd" yw argledr.

ll. 42. **gwladwydh,** gwladlwydd. **hil teyrnedh,** canys disgynnai Rhys o Wenllian, o denlu brenhinol Deheubarth, gweler *Trans. Cymm.*, 1913-14, t.d. 196.

ll. 50. **gwarawd,** darll. *gwarawdd*, gwariodd? Aeth i gost ar wleddau.

ll. 65. **brwydr brudh,** doeth mewn brwydr.

ll. 66. **ludh,** Lludd, gweler *Mab. Lludd* a Llefelys.

ll. 70. **Mor rudh,** the North Sea.

ll. 71. **llafnfudh.** Nid oes sierwydd am yr ail *f*; ymddengys fel pe bâi *r* wedi ei hysgrifennu ar *f* neu *f*. Y mae darlleniad Pen. 159 yn amlwg o blaid *llafusudd*.

ll. 80. **ail-turn,** un fel Turn, ep. *Brut.*, 57, "Ac yna ylladawd gwas Ieuan o dro nei yr brenin (Brutus) sef oed y enw *turn*, ac yn cledyf whech chanwr, ac eissoes . . . y llas turn. Ac oe enw ef y gelwir y wlat yr hynny hyt heddiw *turon*".

twrneinant, twrneimant.

ll. 92. **breidhiad,** beidhiad?

ll. 101. **diwyl,** diwyll.

ll. 103. **maer wysg fflur,** gweler, *Trans. Cymm.*, 1913-14, tud. 194. Daliai Rhys rannau o ganolbarth Ceredigion, ger Ystrad Fflur.

ll. 104. **tymyr mab Wyniawn.** Ystyr *tymyr* yw "etifeddiaeth, tiroedd". Lluosog *tymor* ydyw, eto nid yn yr ystyr o amser, ond fel "temporalities". Cymh. fel y defnyddir *presen* am y byd.

Mab Wyniawn, cwmwd yng Ngheredigion, gweler uchod tud. 120.

ll. 105. **caredigiawn,** Ceredigion.

ll. 109. **emliw,** controversy? ep. *edliw, ymliw, lliwied*.

etiwi, ytiw, ydyw? Rhoddai Rys ateb cyfiawn mewn dadl.

ll. 118. **baniar,** nid baner ond bloedd, yn ol Mr. T. Gwynn Jones.

- ll. 123. **vlaesar**. Julius Caesar. Gwell yw darlleniad Pen. 159, *hoywgledd* yn lle *hynod*, gan yr odla â *diedd*.
- ll. 126. **uriad**, gweler tud. 121 uchod.
- ll. 129. **cychrudh**, cythrudd.
- ll. 133. **rhew rhudhgrys**, cymh. *Myv. Arch.* 283a 5.
- ll. 134. **rhodhyar**, darll. *rodiar* gyda Pen. 159. Penderfynir y ffurf gau y gynghanedd uchod, 124.
- ll. 138. **amhirion**, annhirion?
- ll. 142. **gyfriw**, cyfryw, cp. *etiw*, 109.
- ll. 149. **ar fae**, ar faeth.
- ll. 150. **medr nod**, taro'r nod wrth saethu.
- ll. 155. **Bryswalgyw**, neu *Bryswaelgyw*. Awgryma Mr. T. Gwynn Jones *Brychfuegyw*.
- ll. 159. **fraidh**, darll. fraisg.
- ll. 160. **ordin**, orddin, "violence".
- ll. 163. **crafank**, darll. *cyfranc*, "brwydr". Ffol yw *ehud* mewn Cymraeg diweddar, ond yma "cyflym".
- ll. 165. **dyad**. Nid yw gan Bodvan. Dyry ef yn unig *duad* "bay in a building; length of ploughed land". Ceir *duad* yn *Myv. Arch.* 99, "Englynion Duad", ond ystyr arall sydd iddo yno beth bynnag, fel "custom". Dyry W. Llŷn yn ei Eirfa "*dyad* ymddygiad". Cymh. hefyd. D. G. 105 (25)—

O ddyad twyll ydd wyt ti

Anfoes aml yn fy siomi.

Hefyd, *Myv. Arch.*, 340a, "Meddiannus Ddens ddyad ffyddlonder", 276b, Pei mau pibl ddiau ddyad Talyesin; 280a, Gwir hir mordehir eu marw deat; 281a, ath dyall ath dyat; 283b, Vygholovyn diovyn rac dyat lletpei; 292a, Kadyr golovyn diovyn yn kadw dyad balch; *Brut.*, 313 (wrth ddisgrifio gŵr), Hir y dyat. Gwynn y liw. Pengrych melyn y wallt; *Llyfr yr Aneur*, 92, Ac yn gymedrawl y dwf Adyat ygorff o hyt a phraffter vrth yoet (= *Llan.* 3 [455]).

ll. 171. **cod**, darll. *cad*.

ll. 172. **sybernad**, syberwnad, "cân falch, fonheddig".

ll. 175. "Sain cain cenedl gynheiliad", yn ol P. 159.

ll. 176. **Sawyl**. cymh. *Brut.*, 82, "Yn ol ryderch y doeth Sawyl ben uchel".

ll. 180. **Romani**, cymh. *R. B. Mab.*, 85, "yr y vot yn was ystauell brenhin romani oed". *

GEIRFA.

adhwyn, 76, pleasant.
aerd(h)ar, 129, battle spear.
aerdhrud, 118, 153, fierce in battle.
aerwr, 184, warrior.
afar, 138, wrath, sorrow.
amerodr, 180, emperor.
amlged, 135, of many gifts.
anant, 32, 75, minstrels.
ankwyn, 36, feast.
arail, 77, guarding.
ardhelw, 81, claim.
aren, 167, kind, gentle.
arfod, 120, stroke, blow.
arfol, 44, reception.
argledr, 41, upholder, lord.
argowedh, 23, injury, hurt.
arial, 126, vigour.
baniar, 118, shout.
bar, 114, 122, 176, anger.
blaengar, 113, fighting in the van.
(braisg), 159, thick, strong.
breisgion, 16, 95, pl. of braisg.
browys, 182, vigorous.
browysedd, 43, vigour.
brwysg, 159, hyfrwysg, 118, strong, vigorous; drunk.
(bryhyr), 104, brehyr, baron.
buail, 78, drinking horns.
bwlechlain, 51, a notched blade.
bydhyn, 75=byddin? army.
cadr, 92, 160, 176, mighty, *hygadr*, 128.
camawn, 24, 102, 112, conflict.
carant, 85, pl. *câr*, kinsmen.
cerdhorion, 136, kerdhwyr, 172 minstrels.
cigle, 25, I have heard.
clud, 119, heap, mound: chariot?
cof, 12, mind, wisdom.
cofion, 150, memories.
crafank, 163, claw: read *cyf-ranc*, battle.
(crau, blood) creugar, 128, blood-stained.
creulawn, 111, 112, bloody.
cun, 179, cuniad, 178, prince.
cwrel, 105, coral.
cychrudh, (cythrudh) 129, tumult,

cyfedh, 47, feast and co-drinker.
cyfred, 117, as swift as.
cyfrudh, 64, all red.
cyfrwydh, 142, free.
cyfryd, 117, thoughtful?
cymen, 167, eloquent, wise.
cymhelrhi, 177, 181, tumult.
cymraïsg, 114, mighty.
cynheliad, (cynheiliad), 175, upholder, maintainer.
cynnydh, 40, prosperity.
cyrchiad, 174, attacker.
cywiw, 59, beloved.
dadannudh, 72, disclosure, revealing.
dar, 36, oaken spear.
Deifr, 26, men of Deira, Saxons.
diedh, 123, di-hedd? never at peace.
dieglyd, 24 (di-goglyd), never failing, constant.
digel, 105, famous.
digerydh, 147, faultless.
digeron, 147,
dilyd, 168, follow, pursue.
dilys, 132, certain.
dioludh, 69, unhindered.
dyad, 165, custom, manner?
edhyl, 86, purpose, aim.
ehud, 163, swift.
Einglbyd, 20, *pyd*—danger.
Eingl Angles, English.
elyf, 106.
emerawdr, 7 emperor.
emlaen, 111, van of battle.
emliw, 109, many coloured.
emys, 75, 116, 135, horses.
erfai, 69, faultless.
ergryd, 14, 115, dread, terror.
etiw, 102, ytiw? is.
eurudh, 74-5, gilder.
Ffranc, 165, Frenchman.
Ffrengig, 165, French.
ffysg, 61, 93, 100, haste, flight.
ffysgiad, 100, router.
galon, 5, 141, enemies.
glaif, 42, 129, lance.
glyw, 43, 55, leader.
gofeg, 138, thought, utterance.
gordhain, 53, very beautiful?
gord(h)in, 160, violence.

- gorwydh, 145, horse.
 gorgrawn, 106, very wealthy.
 gryd, 27, terror.
 gwaew, gwayw, 18, 134, spear.
 gwaewdwn, 137, broken spear.
 gwaig, 159, brisk.
 gwalch, 51, gweilch, 52, hawk;
 nobleman.
 gwaladr, 67, 133, lord.
 gwanaf, 72, row, swath.
 gwanas, 71, peg, prop, support.
 gwawr, 41, 48, 74, lord.
 gweilging, 68, beam, bar.
 gwledig, 39, prince, ruler.
 gwyarllyd, 18, bloody.
 gwryd, 26, valour.
 gwyd, 23, vice.
 gwys, 139, it is known.
 gwys (hywys), 153, well-known.
 hail, 72, 79, bounty, supplies for
 a banquet.
 hed, 54.
 honnaid, 137, well known.
 hoewlathr, 128, bright, splend-
 id.
 huawdr, 4, heawdr? sower.
 hyglau, 50, 121, ready, swift?
 hynaif, 122, ancestors.
 iesin, 144, beautiful.
 llad, 168, (1) drink, beer (2) gift.
 llary, 18, 168, generous, kind.
 llasar, 58, blue.
 llinon, 57, llinonbar, 15, ashen
 spear.
 llwrw, 60, llwry, 16, path, man-
 ner.
 llywiawdr, 56, llowiawdr, 11,
 leader.
 mackwy, 173, youth.
 mael, 162, profit.
 maon, 139, people.
 maws, 70, pleasant.
 medr, 150, hitting a mark.
 modhur, 33, 89 (modur), prince.
 morach, 99, entertainment?
 muner, 170, lord.
 mur, 22, 35, 98, 101, protector.
 mygr, 102, fine, handsome;
 mygrwys, fine people?
 mŷr, 82, seas; pl. of *môr*.
 paladr, 67, 93, 128; pl. pelydr,
 57, spear-shaft.
 par, 97, 131, spear.
 pefr, 30, 68, bright.
 Pendragon, 142, chief leader.
 perging, 68, defence.
 por, 97, 141, lord.
 pybyr, 74, ardent.
 rhaidh, 182, spear.
 (rheawdr), rhuawdr, 6, ruler.
 rhag, 169, gift.
 rhên, 7, lord.
 rhenawdr, 3, ruler.
 rheufedh, 156, 161, wealth.
 rhiau, 6, (1) lord, (2) lords.
 rhodiar, 124 (134).
 rhodhiad, 173, giver.
 rhôn, 3, spear, tail.
 rhonfedh, 40, spear measure?
 rhudhiawdr, 1, reddener.
 rhugl, 169, swift.
 rhusfa, 5, obstacle.
 rhwy, 173, too much.
 rhwyf, 181, prince.
 rhwysg, 118, 139, 148, 159, pomp,
 splendour.
 rhysedh, 1, 31, 47, 156, 158, 179.
 rhysfa, 3; rhysfau, 14.
 rhyswalch, 65, 102, 163.
 rhyswr, 107; rhyswyr, 164.
 syberwyd, 174, pride, courtesy.
 sasbost, 177, safbost? pillar.
 tawl, 26, entailment.
 traf, pl. treifn, 21; breisgdrafn,
 94, course?
 trin, 20, battle.
 trosedd, 158.
 trydar, 120, tumult, noise.
 tymyr, (104), lands.
 ufeliar, 125, fire.
 uriad, 126, 167, prince.
 yngyrth, 131, terrible.
 ymwan, 95, 116, fighting.
 ysgwydliw, 58, colour on shield

The Welsh National Emblem : Leek or Daffodil ?¹

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THE leek (*allium-porrum*, bot.) is in Welsh, *cenhinen* (plural *cennin*). Among the ancient Egyptians it was looked upon as a sacred plant and never eaten by the priests, but it was valued highly as an article of food by the Romans. Italy was celebrated for its leeks in the time of Pliny, and Celsius gives a number of recipes for their use. It is said of Nero that he appreciated leeks to such an extent as to earn for himself the surname of "Porrophagus", or the leek-eater, but apparently its simple virtues were no antidote to his natural vices. As there appears to be no trustworthy evidence that the leek has ever been found growing in a wild state, we may accept the current view that leeks were introduced into this country by the Romans. At any rate, unless the plant was already known to the Celtic

¹ This paper is the result of an inquiry instituted at a meeting of the subscribers to the "Welsh National Festival", held in St. Paul's Cathedral on St. David's Eve, as to the respective claims of the leek and the daffodil to be the Welsh National Emblem. A committee was appointed to make the inquiry, but the evidence here collected was mainly brought together by Mr. Arthur E. Hughes (a member of the Council of the Cymmrodorion Society), and this Report was written entirely by him. Some ten years ago the Society printed in its *Transactions* a paper by Mr. Ivor B. John, M.A., advocating the claims of the daffodil, but it should not be assumed that the Society, or the Council, as such, adopted Mr. John's conclusions, or that they will necessarily adopt the views which are here set out by Mr. Arthur Hughes. Their object is to search for, and to establish truth in regard to all matters of Welsh history.—V.E.

inhabitants of Britain, the fondness of the Romans for the leek would have led them to cultivate it in Britain during the five hundred years of their rule in this country (see Dr. William Smith's *Dictionary of the Bible* and *Encyclopædia Britannica*, sub. "Leek"). The fact that the Welsh word *cenhinen* has no connection with the Latin word for leek, *porrus*, throws no doubt on the correctness of the above view, as the root, *cen*, signifies skin or flake; so that the name *cenhinen* is merely descriptive of one of the plant's most evident characteristics. It was called the flaky plant, which would be equally natural whether it was known already or brought into Britain for the first time by the Romans. It may also be seen that it was a common plant in Wales, and well known under its name *cenhinen* among the Welsh, before the conquest of England by the Saxons, which brought about the separation of the Welsh in Wales from their brethren in Cornwall, and before the close intercourse of the Welsh in Cornwall with those in Brittany was disturbed. This is established by the fact that the Cornish word for leek is *cenin* (*Williams' Cornish Dict.*, 1865, who also quotes Llwyd for the form *cinin*) and the Breton, *cinen*. It is also important as showing how early the leek was known to the Celtic races that the Irish have a similar form, *coinne*, *cainninn* (*Lane's Dictionary*, Dublin, 1904). The leek was therefore well known to the Welsh from very early times.

Before dealing with the evidence bearing upon the estimation in which the leek was held by the Welsh and that relating to its claim to be the national emblem, it is desirable to deal with the Welsh name for the daffodil, and to state some of the principal arguments advanced in favour of the daffodil and against the leek as claimant for the honour of being the national emblem.

The common daffodil is a wild flower (*N. pseudo-Narcissus*, bot.) found generally over the greater part of Northern Europe. Its Welsh names according to the standard Dictionaries are :—

Cennin Pedr (S. Peter's Leeks)—Pughe, 1891 Ed.; Silvan Evans; Spurrell, Anwyl's Ed.

Cennin y gwinwydd—Pughe; Silvan Evans.

Cennin y gwinnydd—Spurrell.

Gwayw'r brenhin, } Walter, 3rd Ed.

Blodau'r gwyddau bach } Thomas Jones, 1826.

Blodau Maurth, *Croesaw gwanwyn*—Silvan Evans.

There is some evidence, although scanty, that daffodils are known in one county in Wales as *Cenin Dewi* and in another as *Blodau Dewi*, S. David's flowers. (See *Cymmrodorion Transactions*, 1906-7, p. 69; *Daily Mail*, March 1, 1915, article by Mr. Llewelyn Williams, "Welsh Flag Day".) Dr. Silvan Evans, in his *Dictionary*, quotes "Plana gennin Pedr ac ysgeifys" from a Llanover MS. 63,326, and we have a church and parish called Llanbedr y Cennin in the Vale of Conway where daffodils are said to be common. "Gwayw'r brenhin" would of course be a name given the flower because of its supposed efficacy in the cure of King's Evil; but the name "blodau gwyddau bach" is an unsolved riddle, unless the name has some connection with the old belief that a single daffodil taken into a farmhouse brought ill-luck to the farmer's ducks. (See *Cymmrodorion Transactions*, 1906-7, p. 70.) Unfortunately for such a theory "gwyddau bach" in Welsh means young geese and not ducks.

The names "*Blodau Dewi*" and "*Cenin Dewi*" are not found in any Welsh Dictionary or in any literary work in Welsh known to us; and, if used in Wales, have been confined to a very limited district. "*Cennin Pedr*" is the best known name. The name "*Blodau Dewi*", although of very limited use, has leaped into prominence in the

Daffodil *versus* Leek controversy as it would assist in establishing a connection between the flower and the commemoration of S. David on S. David's day, the 1st of March. Advocates of the daffodil further suggest that the word "cennin", leeks, used as a part of the more common name for daffodils, has been the cause of confusion which has led, by a mistake of the English, to the leek being established as the National Emblem instead of the daffodil, and that this mistake has been acquiesced in by the Welsh for many centuries. It is also suggested that no nation would choose such a vegetable as a national emblem owing to its lack of distinction and artistic charm. The leek, however, has a flower of much beauty and artists find no difficulty in seeing beauty and grace in the strong lines of its leaves. We cannot, however, deal with arguments based upon modern canons of æsthetic taste, for if these be applied to the national emblem of Scotland, and many heraldic devices, they would be found commonplace and even gross from an artistic standpoint. In heraldry emblems and devices are frequently curious and inartistic, and it is only the legend or historical fact connected with their origin or use which can account for their adoption. In such a matter it is important to view facts in relation to their surroundings and to bear in mind the advice of a French Professor, that in setting out on a voyage of research we must be very careful or we may find what we have set out to discover.

We must, however, admit that when we started this enquiry we did not expect to ascertain the actual time when the Welsh chose a National Emblem or the circumstances which led to its adoption. The origin of the Rose, the Shamrock, the Thistle, and the Fleur-de-Lys as national emblems is, in each case, shrouded in mystery; and it could not be expected that the Welsh

emblem alone would escape the mist of the land of nebulous legend where each authority turns into a vague intangible will o' the wisp whenever we strive to approach it too closely. Unlike a poet a national emblem *fit non nascitur* and the following evidence shows, we believe, that the leek became (although we cannot show how), and is in fact, the Welsh National Emblem and that, therefore, the suggested arguments in favour of the daffodil have no valid foundation. We state this conclusion before presenting the evidence, because otherwise the absence in what follows of anything approaching evidence in the daffodil's favour, for which we have searched carefully, might produce the impression that our researches have been confined to the history of the leek alone. Some of the quotations which we shall give only bear indirectly upon the point at issue, but are given to meet a suggestion that leeks were unknown even by name in some parts of Wales, and, before dealing with the evidence bearing directly upon the leek's claim to be the National Emblem, we shall give authorities showing not only that it was held in high repute, but was in fact very generally used as an article of food.

Whatever mistake an Englishman may have been capable of, no Welshman would be likely to confuse *cennin* with *Cennin Pedr*, leeks with daffodils. We find the leek mentioned in a very ancient Welsh poem attributed to Taliesin.

“Atuyn lluarth pan llwydd y genhin.”

(*Taliesin M.A.*, i, 28, or i, 30, Edition 1861.)

This is translated by Professor Skene, who was assisted in his translations from Welsh by Dr. Silvan Evans and Mr. Robert Williams, as “Pleasant the camp where the leek flourishes”. Mr. Ivor John, in his paper advocating the claims of the daffodil in the *Cymmrodorion Transactions*,

1906-7, suggests the reading lluarth=bank, and that *genhin* should read=daffodil, whereas there is no evidence that daffodils were ever known in Welsh literature or in popular speech as *cennin*, without some accompanying qualification or descriptive word. In Spurrell's (1913) *Welsh Dictionary*, edited by Mr. J. Bodfan Anwyl, lluarth is rendered as *vegetable garden*, so that Taliesin's line would mean, "pleasant is the vegetable garden where the leek flourishes". In any case the line is not the earliest reference in Welsh literature to the daffodil as suggested by Mr. Ivor John, but is a reference to the leek.

The virtues of the leek are described in the Meddygon Myddfai MS., found in the *Red Book of Hergest* of the end of the thirteenth or the early part of the fourteenth century (i, 135 ; *Llandovery*, 1861, p. 21).

"Llyma gampau y kennin : Da yw yuet y sud rac chwydu gwaet. Da yw y wraged a nynno kael plant vwytta kennin yn uynych. Da yw kymryt kennin a gwin rac vrath neidyr neu aniel arall . . . O dodir y kennin a halen wrth weli ef a kae yn ehegyr."

(These are the virtues of the leek : To drink its juice is good against the vomiting of blood. Women who desire children do well to eat leeks frequently. It is good to take leeks and wine as an antidote against the effects of the bite of a snake or other animal If leeks and salt are put on a wound it will heal quickly.) It is even claimed that leeks are good for a fractured bone, "Da yw y kennin i gyuanu asgwrn". If only a small portion of these claims were justified it would explain the national respect for the plant, and if it was thought capable of healing wounds and bones the legends connecting it with battles might have some basis to explain their origin.

In the *Laws of Howel Dda*, in a section defining what

is to be deemed a harvest crop, the following passage occurs :—

“Agueyr syc ato tey ac eu hacure a kennyn a pop peth
a vo perthenas y arth ac ef. Guanet enteun yart en kymka-
darnet ac na allho escrybyl ytory.”

(dried hay and thatch for houses and their fence and leeks and everything that has relation to the garden. Let him fence his garden so strongly that beasts cannot break in). (*Ancient Laws and Institutes of Wales*, Public Record Series, 1841, edited by Aneurin Owen, Book iii, c. 25, s. 10, p. 158.) The above text is from the Hengwrt (now National Library) MS. of the Venedotian Code (Gwynedd), attributed by Aneurin Owen to the early part of the twelfth century. There is a corresponding passage in the text of a later MS., printed in Wotton's *Leges Wallicæ*, p. 286, stated by Aneurin Owen to be of the early part of the thirteenth century, and on the same page Wotton, in a note, gives an extract from another MS. of the Laws, “S. 2”, which is probably the same MS. as is referred to by Aneurin Owen as “S.”, the probable date of “S. 2” being fixed as 1380. The reference to the leek is as follows:—“Pwy bynnag a fynno lafuriaw cennin neu gawl neu lyssen ereill gwnaed gae yn eu cylch fal na allo un anifail fyned dros-daw”. (Whoever is minded to cultivate leeks or cabbage or other plants, let him place a fence around them so that no animal can get over it.) It is to be noticed that only leeks and cabbage are deemed worthy of special designation, and leeks are treated in the old *Welsh Laws* as an important harvest crop. There is also a Welsh proverb, “Cyn lased a'r genninen” (as green as the leek), given by Dr. Silvan Evans in his *Dictionary*, and he also quotes “Mae sawyr y cennin ar y cewyll” (the odour of the leeks affects the panniers) from the *Myfyrian Archaeology*, iii, 185.

The circumstance that we do not find in mediæval Welsh literature more frequent references to the leek as being a staple article of food in Wales is but natural. Writers only comment on the food of strangers ; their own every day diet is too common-place a theme. The fact that leeks have not been generally cultivated in Wales in modern times in no way assists us in coming to a conclusion as to the extent of their cultivation in earlier days. They have, both in England and Wales, been ousted to a large extent by the potato and the onion, and it is worth noting that the Welsh word for onions, *wynwyn*, is a mere Welsh adaptation of the English word, whereas, as already pointed out, the word for leek in Welsh is a genuine Welsh word not derived from the English.

The leek has always been considered one of the most valuable table vegetables, and of late years its popularity has greatly increased. “The word *leeks* occurs in the A. V. only in *Num.*, xi, 5 ; it is there mentioned as one of the good things of Egypt for which the Israelites longed in their journey through the desert, yet as *châtsîr* is mentioned, together with onions and garlick, in the text, and as the most ancient versions, Onkelos’ the LXX, and the Vulgate, together with the Syriac and the Arabic of Saadias (the word employed here is still the name in Egypt for leek) unanimously understand *leeks* by the Hebrew word, we may be satisfied with our own translation.” (Dr. William Smith’s *Dictionary of the Bible*.)

When, in 1485, Henry VII, the Welshman and descendant of the Anglesey Tudors, with the very substantial assistance of his own countrymen, won his way to the English throne, Wales and the Welsh at once became objects of much interest in England. They became in fact the vogue, and, as those who have a fair knowledge of the literature of the Tudor period will admit, their

history and national traits received more attention from English men of letters than they have received in any subsequent age. In the dawn of printing in England, Wynkyn de Worde, Caxton's successor at Westminster, printed a book in 1497-8 called *The Chronicles of England*, with a Description of Wales and the Welsh, printed at the end of the Chronicles, which is attributed to Caxton. It is in verse and takes up about six pages in double columns, black letter, and is, of course, beautifully printed in a finely-cut clear type, with the ink exceptionally brilliant still. As this description is probably unknown to most Welshmen, and refers to the leek, we make no apology for quoting the following extracts dealing with the Welshman's daily fare in Tudor times:—

“ They ete brede colde and hote
 Of barley and of ote,
 Brode cakes rounde and thynne
 As well semeth so grete kynne.
 Selde they ete brede of whete
 And selde they done ones ete.
 They haue gruell to potage
 And *lekes* kynde to companage,
 Also butter mylke and chese
 Y shape endlonge and corner wese.
 Such messes they ete snell
 And that maketh hem drynke well,
 Meete and ale that hath myght
 Thereon they spende daye and nyght:
 Euer the redder is the wyne
 They holde it the more fyne,
 Whan they drynke atte ale
 They telle many a lewde tale,
 For whan drynke is an handlynge
 The ben full of janglynge.
 Atte mete and after eke
 Her solace is salt and *leke*.”

The reference to the Welshman's love of strong drink is the only hostile criticism in the verses, otherwise they

are most adulatory throughout and do not omit to remark upon the Welshman's taste for music and his love of the harp and pipe. The importance of this extract lies in the fact that it shows that within twelve years of the coming of Henry VII to the throne, at a time when there were only very few books in existence printed in England, the partiality of Welshmen for leeks was recognised by one who evidently knew a great deal about Wales and the Welsh, and it is also extremely probable that such knowledge must have been derived from Welshmen. There was no lack of first hand information as to Welsh customs and habits available for the Court and for English writers, nor was there any lack of Welsh critics in close touch with the Court to set it right, if any mistake was made as to a Welsh custom, such as the wearing of the leek on S. David's day. In the Bailiff's accounts of the Borough of Shrewsbury for 1502 there are the following entries:—

"Vino expend' sup' Nichum ap Rees armig' p corp' e dni R'
7s.

Vino expend' sup' Willm ap Owen Tudor valectu' camere dni
R' 2s. 1d.

In regardo dat' ij Walic' histrionibus dni R' 2s. 8d."

(*History of Shrewsbury*, by Owen and Blakeway, vol. 1, p. 275.)

So we find that Henry VII's body squire was a Welshman, Nicholas ap Rees; his valet of the chamber was a Welshman, William ap Owen Tudor; and he further maintained at least two Welsh actors who were entertained by the burgesses of Shrewsbury. There is also an entry (vol. 1, p. 262) relating to wine given to Sir Rhys ap Thomas who probably did more than any other man to assist Henry to the throne. In Henry VII's household book, under date January 1st, 1501, there is an entry "Item, to the Walshe harper in rewarde 6s. 8d." (*Privy Purse Expenses, Princess Mary*, by Sir F. Madden, Pickering,

1831, note, p. 250.) This last mentioned work is of very great value for the evidence which it makes available upon the connection of the leek with S. David's day, and it is also valuable as showing that Princess Mary, daughter of Henry VIII, like her grandfather Henry VII, had so many Welsh in close touch with her that it would be impossible for any alleged custom devoid of substantial Welsh authority to be recognised at Court. *Princess Mary's Privy Purse Expenses* were edited and published in 1831 by Sir F. Madden, late keeper of the MSS. in the British Museum, from the original accounts preserved there, and they contain the following entries:—

“Mens' Marcij (1536-7) Fol. 12.

Item, geuen to the yeomen of the Kinge garde presenting my Lady's grace wt a Leke XV^s.

Mens' M'cij (1537-8) Fol. 41b.

Item, geuen amonge the yeomen of the Kinge gard bringing a Leke to my lade grace on saynt David Daye XV^s.

Mens' Februarii (1543-4).

Item, gevin to a yeoman of the garde for bringing a Leeke on Saint Davys day XV^s.”

The accounts for the intervening six years could not be discovered by Sir F. Madden, but these three entries are sufficient to show that the formality of the presentation of the leek to Princess Mary was identified with S. David's day, and from the fixed payment of fifteen shillings and the fact that the presentation was made by the King's guard it may be presumed that the matter was subject to Court regulation. The date of the above first entry is perhaps of some significance. Princess Mary was born in 1516, and when only ten years of age, in 1526, as Burnet says, “the King being out of hopes of more children declared his daughter Princess of Wales, and sent her to hold her court there”. Sir John Doderidge states that neither Edward VI, Queen Mary, nor Elizabeth were

formally created Prince and Princesses of Wales by investiture, there being no letters patent in existence; but Enderbie in his *Cambria Triumphans*, 1661, p. 342, states that Lady Mary was Princess of Wales, and an earlier authority, Camden, in his *Britannia*, 1590, p. 551, writing only thirty-two years after Mary's death, says:—"Hunc vero titulum apud nos gesserunt post Edwardum II . . . Maria Diva nostra Elizabetha et Edwardus VI." So that whether there were any letters patent in existence or not, formally creating Mary Princess of Wales, it is clear that in popular estimation she was considered as holding the honour. In fact Henry took Princess Mary to Ludlow, the seat of the Court of the Council of the Welsh Marches, and she remained there for about two years as nominal head of the Council. Henry, about this time (1528), began to busy himself seeking for a divorce, and there-upon Queen Catherine and Princess Mary fell into disgrace, and Princess Mary was separated from her mother and kept away from Court at Hatfield, Richmond, and elsewhere. In January 1536, Queen Catherine died, and Anne Boleyn was beheaded in the following May, where-upon Princess Mary was shortly after reconciled with her father and again received into favour. Her father had treated her for so many years with such harshness and inhumanity that it is impossible to suppose that the attention shown her by the yeomen of the King's Guard was spontaneous, but must have been with the King's consent if not the result of his own initiative. Such a conclusion is fully warranted as the yeomen of the Guard were a royal body guard only recently re-established by Henry VIII himself, and the first corps of trained British soldiers in our history (*History of the British Army*, Fortescue, vol. i, p. 110). Being in close attendance upon Henry, the presentation of a leek to Princess Mary by his

body guard, can only be explained by assuming it was done at his command.¹

As under the old calendar the year ended on the 25th of May, March 1536-7 would be March 1537 of the present calendar, so that when Henry VIII authorised his yeomen of the Guard to present his daughter Mary, the Princess of Wales, with a leek on the first S. David's day occurring after Anne Boleyn's death, it not only showed his recognition of the leek's connection with S. David's day and with Wales, but was an outward token of his recent reconciliation with her. It was also in the years 1535 and 1536 that the series of Acts of Parliament were passed which brought about the complete incorporation of Wales with England, and the power and privileges of the Lords Marchers were abolished. The above facts are, we submit, of importance as showing that the Court took at this time not only a great interest in Welshmen and in matters relating to Wales, but enable us to draw from them a fair and reasonable inference that Henry VIII himself, as well as Princess Mary, looked upon the leek as a Welsh national emblem, or that the presentation of or wearing of the leek on S. David's day was a national custom.

Is it possible that they made the mistake of confusing the leek with the daffodil, *y genhinen* with *cenhinen Pedr*? In addition to the many officials connected with Wales and the Welshmen of position who would visit London and the Court, whom Princess Mary would meet, we find from these old accounts of Princess Mary many instances of her generosity to Welshmen. Upon New Year's day,

¹ It may be noted that in Henry the Eighth's *Household Books* there is the following entry:—

1531. *1st March. Paid to the Yeomen of the King's Garde towards the charges of S. David's Feast, xjs.* This item is repeated in 1532 (Preston's *Yeomen of the Guard*, London; n.d.).

1542-3, she gives "The Welshe Mynstrels" 3s. 9d., "Yevan and his fellowe" 5s., and "More, the harper" 5s., and the like donations are made to the same persons in January 1543-4. Sir F. Madden, on p. 256, has a note on More, the harper, stating that More's name occurs in the King's *Book of Payments* as William More (probably anglicised from Mawr) and that the same person, apparently, is called "Blind More" in the *Privy Purse Expenses* of Henry VIII: "He is evidently a Welshman and like his fellows, Thomas Bowman and Thomas Evans, were patronised for the sake of their instrument and country, which encouragement in the reign of Elizabeth was withdrawn from them." The above sums received by More and the other Welsh minstrels would to-day represent much higher values, probably from seven to ten times as much.

This old Welsh harpist was also apparently the William More, one of Henry VII's yeoman harbingers or couriers who, on the 4th March and 12th of June 1486, the year following the victory of Bosworth, was granted the offices of keeper of the Warren of Warwick and meter of wheat and grain in Stepney and Bromley (*Materials for History of Henry VII*, Record Office, P.M., 14, 67). He must have been getting on in years by the end of Henry VIII's reign when he is described as "Blind More", and if he was alive when Elizabeth ascended the throne, as Sir F. Madden's note would suggest, he must have been between 90 and 100 years old, unless he was a mere youth when he acted as Henry VII's courier on his accession to the throne. We have given our old countryman a temporary resurrection for the purpose of pointing out that, while all "the Welsh Mynstrels" together receive 3s. 9d. from Princess Mary, More receives 5s., and that he seems to have managed to maintain a close personal claim to the

consideration of the Court during the greater part of the Tudor period; and that unless he and the other "Welsh Mynstrels" were of a more retiring and less self-asserting type than our modern minstrels there is little likelihood that a substitution of the leek for the daffodil on St. David's day would be possible, if the daffodil had any right to the position of the Welsh National Emblem.

We further find from Princess Mary's accounts that in December 1536 she gives Dauyd ap Rice 10s., and the like amount in January 1537-8. This man appears in the list of Mary's household for 1521-2, and is entered as "garcio" but subsequently appears as yeoman of the Chamber and Beatrice ap Rice, his wife, was the Princess's lavender (laundress). The accounts also show that the Princess paid money for the board and costs of their children, and the expenses of the education of a son and of binding him as an apprentice. She was also godmother to David ap Morgan's child, and gives a donation on two occasions to William ap Richard and paid the expenses of burying both William and his wife: and it must be noted that these accounts only cover a very short period.

When, therefore, we first meet with the leek custom, in 1536, we find it recognised by a Princess of Wales, in close touch not only with Welshmen of high degree but also with minstrels and humbler folk. For the reasons given we also infer that the custom was recognised by her father, Henry VIII, who had been created Prince of Wales by his father, Henry VII, the first English sovereign of the Tudor line. We cannot therefore assume that by any remote probability the leek was by such persons mistaken for the daffodil, owing to any similarity in their Welsh names, or that such confusion was possible by any persons having such opportunities for intercourse with Welshmen.

Although we have not succeeded in finding any express

reference to the leek custom of an earlier date than 1536-7, one cannot refrain from hazarding a suggestion as to a work, now unfortunately lost, of as early a date as 1489 which may have referred to it. Henry VII appointed John Skelton, the poet, tutor to Prince Henry, but we do not know whether he also acted as tutor to his elder brother, Prince Arthur. We know, however, that when Prince Arthur was created Prince of Wales in 1489, Skelton celebrated the event in verse, called "Prince Arturis Creacyoun". Prince Arthur doubtless received his name from his father, our first Tudor king, to accentuate his Welsh origin and to suggest a connection with the famous legendary King Arthur of Welsh tradition. Skelton, at any rate, knew some Welsh as is evident from a line in his "Speke Parrot"—

"Every man after his maner of wayes

Pawbe une aruer, so the Welche man sayes."

"Speke Parrot" was published about 1520, but may have appeared earlier, as the original editions of Skelton are almost all lost. Skelton refers to "Prince Arturis Creacyoun" in another published work of his, and some day we hope a fortunate reader may discover it. There appears to be no trace of the work in the British Museum. To encourage a search we may point out that Skelton was a poet who loved a popular and homely theme, and could write verse that was not always scurrilous but, as he himself says, "had pith in it". We doubt, in fact, whether he could write on Wales and Prince Arthur without bringing in the leek any more than he could refrain from telling a tale at the expense of Welshmen because they were given to heavy drinking. As this tale may have suggested to Shakespeare Falstaff's "half-penny worth of bread to this intolerable deal of sack!" we cannot refrain from bringing it into daylight once again.

A Welshman came up to London to present a petition to the King because he found that other Welshmen, having come to London, returned endowed with castles and lands, and were therefore able to live honestly. He also was filled with a desire to live honestly, and thought this could be done if he were granted a patent to sell "drynke". The Welshman asked Skelton to "ayde hym in his sute to the Kynge for a patent to sell drynke", and, having dictated his requirements, asked Skelton to read the petition over. It ran thus:—"Drynke—more drynke—and a great deale of drynke—and a lytle crome of breade—and a great deale of drynke to it." If Skelton could be shocked he would have been, because the Welshman, after thinking the matter over, thought the "crome of breade" had better come out.

One wishes that "Prince Arturis Creacyoun" were not lost, especially in view of Shakespeare's world-famous reference to the leek with which we shall presently deal.

In concluding our reference to the connection of the Tudor sovereigns with the leek we add another fact of much significance which, while negating any claims of the daffodil—a yellow flower—to be the Welsh national emblem, is a very strong argument in favour of the leek. The leek is green and white, and it would be difficult to find in nature a better or more striking combination of these two colours. Now, green and white were the Tudor colours, and were used even in ribbons for the attachment of the Great Seal. After the victory of Bosworth, Henry VII offered at the altar of S. Paul's Cathedral a banner charged with a "red fiery dragon" upon a field of white and green (Fortescue, vol. i, p. 111). This was supposed to be the ensign of Cadwaladr, the last of the British kings, and, in the light of the evidence already given, it is difficult to explain the partiality of the Tudors

for green and white, except upon an assumption that these colours were adopted from the leek.

Passing to the problem of the *origin* of the practice of presenting a leek to a member of the Royal family or of wearing a leek on S. David's day, we can best summarise our researches by using a statement of Sir F. Madden's : " This practice is of great antiquity, although its origin is involved in total obscurity ". In a search for the origin of the custom, we at once pass into a region of legendary tradition, and our authorities give us the impression that writers referring to the matter found themselves in the presence of a recognised custom, and, being puzzled for an explanation of its origin, either took the best that was offered or evolved a working hypothesis for themselves. When there is no clear historical evidence as to the origin of the rose, shamrock, or thistle as national emblems, he would be a sanguine man who still hoped for conclusive evidence as to the origin of the leek custom. We can only therefore present the evidence as material upon which our forefathers nourished their belief, and by which the custom was perpetuated. Although we have no evidence, it may be that the custom originated among Welshmen out of Wales—exiles, who in some accidental burst of patriotism, used the plant as a distinguishing badge—and that the custom was in course of time recognised by Welshmen in Wales. But this is only adding another hypothesis in a region where they are already plentiful. After dealing with the evidence, such as it is, we shall give a few extracts from various authorities to indicate the extent of the recognition of the leek as the Welsh national emblem.

There are two main streams of tradition, both connecting the leek with a battle. The one may be called the Crecy, and the other the S. David tradition. Dealing with

the former we find in the *Iolo MSS.*, p. 65, the following:—
 “Yn y flwyddyn 1346, y bu ymladd Cressi lle y cafas y Cymry fawrglod am ymladd yn lew gyda’r tywysog Edward ddu, ar pryd hynny y Gwaeddodd Capden Cadwgan foel ar y Cymry a deisyf arnyn gymeryd Cenhinen yn eu helmau. Mewn cae cennin yr ydoedd yr ymladd a phan edrychwyd o bobtu Cymry oeddynt oll onid naw ar hugain yn y lle hynny ar Saeson mewu rhan arall lle nad oedd yr ymladdfa. A hynna fu’r achos i’r Cymry wisgo Cenhinen”—and there follows a note, “MS.—Mr. Gamage, St. Athan, medd Iolo Morganwg”. In English the above passage is: “In the year 1346, the battle of Crecy took place where the Welsh won great renown for fighting bravely with Edward the Black Prince. On that occasion Captain Cadwgan Foel shouted to the Welsh requesting them to take a leek in their helmets. The fighting took place in a field of leeks, and when they looked around they were found to be all Welshmen save nine-and-twenty in that force, and the English in another part where there was no fighting. And this was the cause of the Welsh wearing the leek.”

We have been unable to obtain any information about this MS. stated by Iolo Morganwg to be in the possession of a Mr. Gamage, and we are not alone in failing to trace the original of a Iolo MS. (see *Celtic Britain*, 1882, by Sir John Rhŷs, p. 299). Among a great deal of material that is genuine it is now held by those qualified to judge that some of the so-called “historical” documents printed in the *Iolo MSS.* are either forgeries or the result of dishonest editing of genuine originals by scribes who desired to magnify the achievements of the families of their patrons or to add to the renown of particular localities (see “Welsh Historical Records”, by Mr. Egerton Phillimore, *Y Cymmrodor*, vol. xi). It is thought that these forgeries or imaginative additions to genuine

records were made in the period 1550-1650, but the style of diction in the above extract suggests a considerably more recent date. Until, therefore, something more is found out as to the source of the MS. from which the above extract was taken, we must content ourselves with merely drawing attention to its existence.

Shakespeare's "Henry V" is the earliest reference we have been able to find to the Crecy tradition, and as he has made the leek immortal in its connection with the Welsh nation, and as there are some points in the play to be dealt with, we quote the relevant passages in full. Act IV, sc 7 :—

K. Henry : Then call we this the field of Agincourt, fought on the day of Crispin Crispianus.

Flu. : Your grandfather of famous memory, an't please your majesty, and your great uncle Edward the Plack Prince of Wales, as I have read in the chronicles, fought a most prave pattle here in France.

K. Henry : They did, Fluellen.

Flu. : Your majesty says very true. If your majesties is remembered of it, the Welshmen did good service in a garden where leeks did grow, wearing leeks in their Monmouth caps ; which, your majesty know, to this hour is an honourable badge of the service ; and I do believe your majesty takes no scorn to wear the leek upon Saint Tavy's day.

K. Henry : I wear it for a memorable honour : for I am Welsh, you know, good countryman.

Flu. : All the water in Wye cannot wash your majesty's Welsh plood out of your pody, I can tell you that ; God pless it and preserve it, as long as it pleases his grace, and his majesty too !

K. Henry : Thanks, good my countryman.

Flu. : By Jeshu, I am your majesty's countryman, I care not who know it ; I will confess it to all the 'orld : I need not be ashamed of your majesty, praised be God, so long as your majesty is an honest man.

Act V, sc. 1:—

Gower: Nay, that's right; but why wear you your leek to-day? Saint Davy's day is past.

Flu.: There is occasions and causes why and wherefore in all things: I will tell you, asse my friend, Captain Gower; the rascally, scauld, beggarly, lousy, pragging knave, Pistol, which you and yourself and all the 'orld know to be no petter than a fellow, look you now, of no merits, he is come to me and prings me pread and salt yesterday. look you, and bid me eat my leek; it was in a place where I could not breed no contention with him; but I will be so bold as to wear it in my cap till I see him once again, and then I will tell him a little piece of my desires.

Gow.: Why here he comes, swelling like a turkey-cock.

(Enter Pistol.)

Flu.: 'Tis no matter for his swellings nor his turkey-cocks.—God pless you, Aunchient Pistol; you scurvy, lousy knave, God pless you!

Pist.: Ha! art thou bedlam? dost thou thirst, base Trojan,

To have me fold up Parca's fatal web?

Hence! I am qualmish at the smell of leek.

Flu.: I peseech you heartily, scurvy, lousy knave, at my desires, and my requests, and my petitions, to eat, look you, this leek; because, look you, you do not love it, nor your affections and your appetites and your digestions doo's not agree with it, I will desire you to eat it.

Pist.: Not for Cadwallader and all his goats.

Flu.: There is one goat for you. (*Strikes him.*) Will you be so good, scauld knave, as eat it?

Pist.: Base Trojan thou shalt die.

Flu.: You say very true, scauld knave, when God's will is: I will desire you to live in the meantime, and eat your victuals: come, there is sauce for it. (*Strikes him.*) You called me yesterday mountain squire; but I will make you to-day a squire of low degree. I pray you fall to: if you can mock a leek you can eat a leek.

Gow.: Enough, captain: you have astonished him.

Flu.: I say, I will make him eat some part of my leek, or I will peat his pate four days. Pite, I pray you; it is good for your green wound and your bloody coxcomb.

Pist.: Must I bite ?

Flu.: Yes, certainly, and out of doubt and out of question too, and ambiguities.

Pist.: By this leek, I will most horribly revenge ; I eat and eat, I swear—

Flu.: Eat I pray you : will you have some more sauce to your leek ? There is not enough leek to swear by.

Pist.: Quiet thy cudgel : thou dost see I eat.

Flu.: Much good do you, scauld knave, heartily. Nay, pray you, throw none away : the skin is good for your broken coxcomb. When you take occasions to see leeks hereafter, I pray you, mock at 'em : that is all.

Pist.: Good.

Flu.: Ay, leeks is good : hold you, there is a groat to heal your pate.

Pist.: Me a groat !

Flu.: Yes, verily and in truth, you shall take it : or I have another leek in my pocket, which you shall eat.

Pist.: I take thy groat in earnest of revenge.

Flu.: If I owe you anything, I will pay you in cudgels : you shall be a woodmonger, and buy nothing of me but cudgels. God b' wi' you, and keep you and heal your pate.

(Exit.)

Pist.: All hell shall stir for this.

Gow.: Go, go ; you are a counterfeit cowardly knave. Will you mock at an ancient tradition, begun upon an honourable respect, and worn as a memorable trophy of predeceased valour and dare not avouch in your deeds any of your words ? I have seen you gleeking and galling at this gentleman twice or thrice. You thought, because he could not speak English in the native garb, he could not therefore handle an English cudgel : you find it otherwise ; and henceforth let a Welsh correction teach you a good English condition. Fare ye well.

(Exit.)

“Henry V” was written in 1598 or 1599, and as the wearing of the leek was according to Shakespeare an “ancient tradition” in his time, it is somewhat remarkable that no earlier reference explanatory of the origin of

the custom in either English or Welsh literature has been found. It is now an accepted canon of Shakespearean criticism that "Shakespeare never took the trouble of inventing stories. It was enough for him to select from those that had been already invented or recorded, such as had one or other, or both, of two recommendations, namely, suitableness to his particular purpose and their being parts of popular tradition". (*Lectures on Shakespeare*, Coleridge, London, 1893, p. 240.) Now "an ancient tradition" would not be satisfied by a custom which was looked upon as having its origin merely in Tudor times. Shakespeare, therefore, must have either seen a reference to the tradition in some published work which is lost or at present undiscovered; or he had intercourse with some of the London Welshmen of Elizabeth's time who spoke of the wearing of the leek on S. David's day as an ancient custom. Apart from the fact that every Welsh character in Shakespeare rings true, suggesting personal knowledge of Welshmen, no man moving in the comparatively small circle of the literary and theatrical life of London of his period could easily escape contact with Welshmen.

In this play there is one scene (Act III, sc. 2) where Shakespeare brings a Welshman, a Scotsman and an Irishman together and endeavours to contrast their characters, mannerisms and tricks of speech. From the point where Captain Macmorris, the Irishman, and Captain Jamy, the Scotsman, enter, the three characters are, in the folios, called respectively, Welsh, Irish and Scot, instead of by their names, as if to accentuate their national characteristics. Now Fluellen is a Welshman to the life, but Macmorris and Jamy are entirely unconvincing as representatives of the Irish and Scots. Fluellen's, again, is a great part, and it is only by carefully going through

the play that one grasps how frequently he appears and what an important part he takes in the action. Again, Shakespeare is gloriously at ease in bringing out his Welsh mannerism and Welsh turns of expression. His speech is resonant of the true Welsh accent, and Shakespeare evidently revels in his creation because he knows it to be true. We may be confident that he must have known Welshmen intimately and, although he appreciated the humour of such a character as Fluellen, he must have respected and have loved his type: and he must have known a Welshman or Welshmen in a way that he did not know the Irish or Scots.

It must also be noticed that as a study of a Welshman Fluellen is a perfected example created after the character of Sir Hugh Evans, and probably soon after. In Evans we find many mannerisms and tricks of speech that are Welsh, and he even uses expressions which Fluellen uses; but Evans is not the real living type, and the more subtle insight shown in the development of Fluellen's character is clearly the result of a closer study of living men and not a chance creation of the playwright's brain. In fact any Welshman can recognize the precise and moralising warrior Fluellen as a more perfect reflection of a type than is seen in the sententious parson Sir Hugh Evans.

So little is known of Shakespeare's life in London that it is of course impossible to state positively that he knew any particular Welshmen who could instruct him in the "ancient traditions" of Wales. There are, however, other facts in addition to the truth to nature of his Welsh characters which warrant us in coming to the conclusion that he must have known Welshmen. Glendower in "Henry IV" does not speak with the characteristic accent and pronunciation of Fluellen in "Henry V" and Sir Hugh Evans in the "Merry Wives of Windsor", for

the simple reason that it is only Welshmen who have spent their youth in Wales and who have been educated in Wales and who speak Welsh at home that talk as Fluellen when they speak English. Glendower was educated in England, and was at a London Inn of Court. (See *Cambria Triumphans* (1661), p. 336.) He also spent many years in English Society, and as Shakespeare makes him say to Hotspur:—

“I can speak English, lord, as well as you ;
For I was trained up in the English Court.”

On the other hand, Fluellen and Hugh Evans are meant to be representative of Welshmen who carry their Welsh characteristics on their backs, and have taken their English education and culture late in life, leaving the “native garb” of their forms of expression and pronunciation in the interesting state God intended it to be. And it did interest Londoners in Tudor times, for in those days they had not become acclimatised to the nasal lisp of the cosmopolitan Jew and the many other modern forms of English “as she is spoke”. It is, therefore, difficult to explain the absence of the “Welsh garb” in Glendower’s speech except by attributing to Shakespeare more than a casual acquaintance with the London Welsh of the age of Elizabeth, and the knowledge of the difference between the English-Welshman and the real native. Again, we may safely assume that whatever opportunities of studying Welshmen and of learning from them were available to such a man as Sir Francis Bacon, for instance, would be in like measure available to Shakespeare ; and we find that Bacon’s mother, Lady Ann, was of opinion that her son suffered from too much Welsh society. In a somewhat incoherent letter to his brother Anthony, preserved in Lambeth Palace Library, complaining of Francis’s conduct, she says:—“It is most certain till first Enney, a filthy

wasteful knave and his Welshmen one after another—for take one(away?) and they will still swarm ill-favouredly—did so lead him (Francis) as in a train” (quoted in *Bacon’s Works*, Spedding’s edition, 1862, vol. viii, p. 244).

The Welshman, Ambrose Thelwall of Bathavarn, near Ruthin, was also a great favourite of Sir Francis Bacon’s (Pennant’s *Snowdon*, first edition, p. 57), and we also find from the letters contained in Spedding that he was very friendly with Edward Jones, a London Welshman, who had a great reputation as a translator of foreign books.

Apparently even twenty years after Shakespeare’s Henry V and Fluellen had made their first appearance on the London stage the speech of Welshmen continued to interest Londoners. *The Prince’s Masque* referred to in the following letters was originally performed at Gray’s Inn in Elizabeth’s reign under the superintendence of Bacon, and some of the speeches were undoubtedly written by him. Spedding, in his edition of Bacon’s works, discusses fully the history of this Masque and its production at Gray’s Inn, and is puzzled that Bacon should have spent so much time and energy over such a matter. Shortly, however, after Bacon became Lord Chancellor, he introduced *The Prince’s Masque* to the Court of James I, and the following extracts from letters written at the time are curious as showing the fascination which the characteristics of Welshmen’s speech exercised upon Londoners.

Letter from Nath. Brent to Sir Dudley Carleton, 21st Feb. 1618. “The prince’s mask was shewed again at Court on Tuesday night with some few additions of Goats and Welsh speeches, sufficient to make an Englishman laugh and a Welsh cholerick, without deserving so great honour as to be sent to your lordship.”

Letter from Sir Gerrard Herbert to Carleton, 22nd Feb. 1618. “It (the prince’s masque) was much better

liked than twelvth night by reason of the new conceits and ante masks and pleasant merry speeches made to the King by such as counterfeited Welshmen and wished the Kings coming into Wales" (*S.P. (Dom.)*, Jas. I, xcvi, 24, 27).

Shakespeare had been dead nearly two years when these letters were written, but "pleasant merry speeches" would not have been made to the King in English spoken "in Welsh garb" inviting him to visit Wales unless those responsible for the production of the Masque had come into contact with a fair number of Welshmen in London who had expressed a desire that such a visit should take place, for James was Scotch, not Welsh as the Tudors had been, and would therefore have no spontaneous desire to visit Wales.

We may therefore, with some confidence, suggest that when Shakespeare spoke in 1599 of an "ancient tradition" of wearing the leek on S. David's day, he was not referring to something which was the growth of the Tudor period but of that which was accepted as a genuine and ancient tradition, although the acknowledgment of this as the real origin of the leek custom by the English Court may have been due to the influence of Shakespeare's "Henry V". There is evidence that James I (1603-1625), who offended Wales by substituting the Unicorn for the Welsh Dragon as used in the Royal Arms by the Tudors, accepted the Crecy source as the origin of the custom of wearing the leek on S. David's day. In the *Royall Apophthegms of King James*, published in London in 1658 (*Brit. Mus.*, E. 1892, 1, 2), a collection of sayings attributed to the King, he states:—"That the wearing of Leeks on Saint David's day by the Welshmen was a good and commendable fashion, seeing that all memorable Acts have by the Agents something worn for distinction and also to pre-

serve the memory thereof unto posterity; even as the Passover was to the Jews, that when their children should ask why they were girded with staves in their hands they might shew them the cause; so the Welshmen in commemoration of the great fight by the black Prince of Wales, do wear Leeks as their chosen Ensign."

Mr. Ivor John in his paper, advocating the claims of the daffodil already referred to, holds that Crecy is impossible as the "prave pattle" referred to by Shakespeare. As his paper has been printed in the *Cymmrodorion Transactions* it is necessary to deal with his objections. He states that "your grandfather of famous memory" is John of Gaunt, and that when Crecy was fought John of Gaunt was only six years old, so that, therefore, Shakespeare could not have been referring to Crecy. This, however, is based upon the assumption that the word, grandfather, is used in the sense of father's father, whereas the word was also used in the sense of a male ancestor, a forefather (see *New English Dictionary*, Oxford). Shakespeare was referring, of course, to Edward III, who was Henry the Fifth's great-grandfather, but was also fitly described as his grandfather in the sense of ancestor. But there can be no doubt that Shakespeare was referring to Crecy, because in the same play he refers twice in the clearest terms to Crecy in connection with the Black Prince.

" Edward the Black Prince,
Who on the French ground play'd a trajedy,
Making defeat on the full power of France,
Whilst his most mighty father on a hill
Stood smiling"

Act I, sc. 2.

This, of course, is the well-known incident related as having taken place at Crecy, and Shakespeare, also in Act II, sc. 4, refers to Crecy; and when Fluellen uses the words "fought a *most prave pattle* here in France" there can be

no doubt that Crecy is intended, even if no stress is placed on the word "here", which would be appropriate. Shakespeare can not be supposed to be ignorant of the fact that the site of Crecy was near the scene of Agincourt. Our only excuse for labouring this point is our respect for Mr. Ivor John's knowledge of English literature, and we think there can be no doubt that the generally accepted view of Shakespeare's meaning is the correct one.

As an interesting illustration of the truth of Shakespeare's local colouring and his accuracy in incidental personal characteristics we draw attention to what we do not think has been noticed before even in the well tilled ground of Shakespearean criticism. Fluellen, like a good Welshman, says, "Leeks is good", and Pistol's was not Fluellen's only one. He carried them as part of his rations, "I have another leek in my pocket", and as is seen from Fluellen's first speech in Act V, Shakespeare knew they were eaten raw with salt, or as Caxton's Description has it, "Her solace is salt and leke". Further, Fluellen says "it is good for your green wound and your bloody coxcomb", and again, "the skin is good for your broken coxcomb", which is what a Welshman nurtured in the faith of the Meddygon Myddvai, would not be likely to forget when the virtues of the leek were in question.

Again, Shakespeare uses the word "Ancient" in the sense of ensign, cornet, or standard bearer. In "Henry IV" second part, we have "Ancient Pistol", and, in "Othello", Iago is Othello's Ancient, always so spelt; but in "Henry V", whenever the word is used by Fluellen, it is spelt as "Aunchient", and only when used by him. This is done to indicate an unusual, that is, Fluellen's pronunciation of the word, and it is an exact equivalent of the "Welshy" Welshman's mode of speech, with the broad

“a” and the very sibillant “sh” sound of “c”. It points to an actual observation of Welshmen’s speech, as it is not conceivable that such a minute point would have been so studiously preserved whenever Fluellen uses the word if Shakespeare had nothing more to guide him than some traditional stage Welsh pronunciation of English.

Although the Crecy tradition was ancient even in the Tudor period, it was not the sole tradition. Michael Drayton published his *Polyolbion* in 1612 and had, as is evident from the contents of this work, and his *Battle of Agincourt*, published later, made a special study of Welsh antiquities. In the preface to the *Polyolbion*, writing “To my friends, the Cambro-Britans”, he says: “And beside my natural inclination to love Antiquities (which Wales may highly boast of) I confesse the free and gentle companie of that true lover of his country (as of all ancient and noble things) M. John Williams, his Majesties Gold-smith, my deere and worthy friend hath made me the more seek into the antiquities of your country”. He also mentions Humphrey Lhuyd, who died in 1568, as being one to whom he was also indebted. His version of the leek tradition connects it with S. David :

“Where, in an aged cell, with mosse and ivie grown
In which, not to this day the Sunne hath ever showne,
That reverent British Saint in zealous ages past
To contemplation lived ; and did so truly fast,
As he did only drinke what Crystall Hodney yields
And fed upon the leeks he gathered in the fields.
In memory of whom, in the revolving yeere,
The Welch-men on his day that sacred herb doe weare.”

(Edition 1612, British Museum 641, K 10, p. 60.)

Now this is clear evidence, from a man who had a prominent Welshman as a close personal friend, and who had made a particular study of Welsh antiquities and had travelled in Wales, that Welshmen wore the leek on

S. David's day, and as we know from Fluellen wore it in their caps, and that the custom was then so ancient as to be capable of being attributed to very early days.

A probable suggestion may be offered to explain the connection of the leek with S. David based upon the tradition of the great abstinence of the early Welsh saints. Rhygyfarch (d. 1099) in his life of S. David, describing the mode of life of the Saint and his monks, says (s. 24): *Sed pane et oleribus sale conditis pasti* (they fed on bread and garden vegetables seasoned with salt), and (s. 31) *Egyptios monachos imitatus similem eis duxit uitam* (imitating the Egyptian monks he lived a life like theirs) and they were famous for their abstinence. Giraldus informs us that every bishop of S. David's until Morgeneu, the 33rd in the line, abstained from flesh and that he was punished for his sin by being slain by Danish pirates. In a nation which, like the Welsh in old days, looked upon the leek as an important article of diet and especially of lenten diet, the leek may well have been connected with S. David in a form to justify Drayton's reference to the tradition. He, a London literary man, interested, as he says, in Welsh antiquities, could hardly be ignorant of the Crecy version given by Shakespeare in "Henry V". Even if he did not attend representations of Shakespeare's plays, which is hardly conceivable, we cannot imagine that Drayton, the poet and one of the best known literary men of Shakespeare's time, had not read one of the three Henry V quartos which appeared in 1600, 1602 and 1608, before he wrote his *Polyolbion* in 1612. We may fairly draw the inference that he knew of the Crecy variant of the leek legend and chose the S. David tradition on the advice of his friend John Williams, or in reliance on some other authority.

It would, indeed, seem that something like a struggle

took place between the Church and the Military, or the Church and Court elements in literature, for the honour of being the origin of the leek custom. Drayton, although favoured by Elizabeth, was snubbed by James I and received no encouragement from the Stuart, but this would not account for the strange variant from the Crecy tradition which we find in the *Polyolbion*.

When we come, however, to books subject to distinct ecclesiastical influences, we find a very decided determination to connect the origin of the custom with S. David. In the *Flowers of the Lives of the most renowned Saincts*, published at Douay in 1632, it is said of S. David that "he died 1st March about A.D. 550 which day not only in Wales, but all England over, is most famous in memorie of him. But, in these our unhappy daies, the greatest part of his solemnitie consisteth in wearing of a green Leeke, and is a sufficient theame for a zealous Welchman to ground a quarrell against him that doth not honour his capp with the leke ornament that day" (quoted in Brand's *Popular Antiquities*, revised by Sir Henry Ellis, F.R.S., keeper of the MSS. in the British Museum, London, 1813, vol. i, p. 86 *et seq.*) Douay did not lack Welshmen. In 1568, the English Seminary at Douay was founded with the assistance of two Welshmen, Dr. Morgan Phillips and Dr. Owen Lewis, to supply trained priests for service in England and Wales, and many Welshmen are recorded as having been educated there. In 1632, when the above work was published, the Prior of the Benedictine College at Douay was a Welshman, Leander Jones. He was Professor of Theology at the University of Douay, and had been an intimate friend of Archbishop Laud when at Oxford. ("Welsh Catholics on the Continent", W. Llewelyn Williams, *Cymmrodorion Transactions*, 1901-2.) The connection with a battle remains very persistent even

in the S. David origin, as for instance in *Festo Anglo-Romano*, London 1678, p. 29.

“The Britons on this day constantly wear a leek in memory of a famous and notable victory obtained by them over the Saxons; they, during the battle having Leeks in their hats for their military colours, and distinction of themselves by the persuasion of the said prelate S. David” (quoted in Brand, vol. i, p. 86).

We are also indebted to Sir Henry Ellis's valuable edition of Brand for the two following quotations:—

1703. *Cambria Triumphans*, Polsted, 1703.

“The vig’rous few th’ undaunted Bishop leads
 his shield
 Bedecked with terror, gains the field ;
 The conquer’d to th’ impetuous victor yield
 Verdant trophies.”

In this reference to the S. David legend, leeks are the reward of victory and not the means of victory according to the more common form of the legend :—

1707. *Poematum Miscellaneorum*, by Joseph Perkins, London, 1707, p. 12.

“In Festum Sti. Davidis sive in Porrum.
Miles quisque suo porrum gestasse galero
Fertur
Victi diffugiunt hostes: ite clamor in Astra
Nempe Dies Sancti Davidis ille fuit
Hinc Porri Lux haec dignatur honore virentis
Hunc Festam celebrat Wallia tota Diem.”

(Each soldier is said to have carried a leek in his helmet. The conquered enemy flee: a shout goes up to heaven: Surely that was S. David's day. Hence this day is distinguished by honouring the green Leek and all Wales celebrates the Leek throughout this day.)

In order to show how a legend can grow and, instead of gathering moss and rounding itself off in a soft misty vagueness, become clear and definite with all the appearance of being founded upon a historical basis, we give the

following extract from Brady's *Clavis Calendaria*, 3rd edit., London, 1815, vol. i, p. 248 :—

“In the year 640, the Britons under King Cadwallader gained a complete victory over the Saxons, and S. David is considered not only to have contributed to this victory by the prayers he offered to heaven for their success, but by the judicious regulation he adopted for rendering the Britons known to each other by wearing leeks in their caps drawn from a garden near the field of action; while the Saxons, from a want of some such distinguishing mark frequently mistook each other, and dealt their fury among themselves almost indiscriminately, slaying friends and foes. From this circumstance arose the custom of the Welsh wearing leeks in their hats on S. David's day; a badge of honour considered indispensable upon the occasion and to have been established from the very period designed to be commemorated.”

Unfortunately S. David died very many years before 640, and although the introduction of the phrase “judicious regulation” is in the best style of Wardour Street historical achievement, the passage looks like a clumsy fusion of the S. David, Cadwaladr, and Crecy origins. The matter, however, becomes apparently more definite still when we get to Woodward's *History of Wales* (1852). Woodward was by no means a credulous historian, yet he seems strangely receptive of the suggested early origin of the leek custom. In referring to the battle between Cadwallawn and Edwin in 633 A.D. at Heathfield (Hethfeld), he states: “This is the famous battle of Meigen, celebrated by the Welsh bards, and to which is referred the adoption of the leek as the national emblem” (vol. i, p. 139). His theory as to the connection of the leek with S. David is ingenious; after recording the canonization of S. David in 1120, he adds that “ever since, he has been the tutelar Saint of Wales, and the traditions which elder time had associated with other national heroes (as for instance, the badge of the leek with Cadwallawn)

were transferred to him". This may be, to some limited extent, true; but the difficulty confronting such a theory on the evidence as at present available is that the connection of the leek with a battle against the Saxons is later than the simple forms of the Crecy and S. David versions as already given. In a note sent by Mr. Egerton Phillimore as to the site of Haethfelth (Hatfield), which may have included Sherwood Forest, he says: "I see Woodward's statement about the battle of Meigen and the leeks is found in Bingley's *North Wales* (1804). Bingley gives the date of the battle, which he does not name, as 640, Cadwallon having been slain in 634". It therefore seems probable that Brady was correcting Bingley's chronology by substituting Cadwaladr for his father Cadwallawn, and that Woodward, accepting the leek part of the story, corrected both, by identifying the battle against the Saxons as being the famous Meigen or Hatfield (variously spelt Hethfeld and Meiceren (see *Celtic Britain*, Sir J. Rhys, p. 129), although the form Meiceren may be a mistake introduced from Skene (see *Y Cymmrodor*, vol. xi, p. 147). We have, however, found nothing to lead us to suppose that Woodward had any further authorities to connect the leek with a Welsh and Saxon battle than Brady and Bingley had, who apparently had none.

In order to get rid of all difficulties as to dates, and whether it should be Cadwaladr or Cadwallon, we find that Walpole, in his *British Traveller*, states: "In the days of King Arthur, S. David won a great victory over the Saxons, having ordered every one of his soldiers to place a leek in his cap" (quoted in Brand's *Popular Antiquities*), which looks as if the very last reserves had been called out on S. David's side in this battle of origins.

We must, however, before concluding our extracts illustrating the S. David tradition, add some lines by

Goronwy Owen, the celebrated Welsh bard of the middle of the eighteenth century, who was a clergyman, and who might therefore be expected to maintain the S. David tradition :—

“ Pan lew arweiniodd Dewi
 Ddewr blaid o'n hynafiaid ni
 I gyreh guif, ac erch y gwnaeth
 Ar ei alon wrolaeth ;
 Ni rodd, pan enillodd, nod
 Ond Cenin yn docynod.”

(Quoted in *I' Brython*, second edition, p. 359.)

(When S. David bravely led a valiant band of our ancestors to battle and did against his enemies deeds of daring, he gave no marks of favour when he won save leeks as badges.)

Goronwy was a real poet, and with the usual luck of a poet was neglected in his own country. He drank the dregs of a poverty stricken curate's lot in England for many years, but he was a great Welshman and would hardly have taken his Welsh traditions from English sources. Ceiriog, the most popular Welsh lyric poet of modern times, used the Cadwallon tradition.

The Crecy tradition which we left with the quotation from James the First's *Apophthegms*, has adhered to a more uniform garb than its brother variant, and we find it even in Germany. In the *Memoirs of Sophia Electress of Hanover*, who lived 1630-1680, and who was the grand-daughter of James I, there is the following reference to the Crecy legend under March 1661 :—

“On March 1, which the English in general and the Royal Family in particular observe, by eating an onion (leek) which they have worn in their hats throughout the day, in memory of a battle won by a Prince of Wales, wearing this device, the Elector arranged to send leeks to all the English residents, to Baroness Degenfelt, her children, and to me ; and invited me to come and eat mine in his rooms, where I met the Baroness with the prettiest little son and daughter in the world.” (Translated by Forester, London, 1888.)

The Memoirs show that the incident above mentioned took place at Heidelberg in 1661, and as the Electress was born and lived her life on the continent, and her husband was a German, it is somewhat remarkable that the custom should have been considered a matter of importance.

The Crecy tradition has indeed shown a tendency to cling to Court circles until comparatively recent times, but cannot apparently boast of such an array of support as the S. David legend. Such announcements as the following, although colourless as to any reference to the origin of the tradition, must, however, we think, be reckoned as resting on the Crecy legend:—

1722. "All the company wore leeks in honour of the Princess."
(1722. *London Gazette*, No. 6043-2.)

1755. "Being S. David's Day, the tutelar saint of Wales, there was a grand Court at S. James's when his Majesty and the rest of the Royal Family wore leeks in honour of the day" (*Gentleman's Magazine*, March 1st, 1755).

Other similar references might be given. Tegid, a Welsh poet of the middle of the last century, in a song celebrating the victory of Crecy accepts the leek legend, roots, bulb, and leaves:—

" er ymladd Cressi
Gwisgasom genin ar Wyl Dewi

Gwyn a gwyrddlas yw'r Geninen
Bonyn gwyn a gwyrddlas ddalen;
Y bonyn gwyn sydd arwydd purdeb
A'r ddalen werdd, o anfarwoldeb."

(Ever since the fight of Crecy we have worn the leek on S. David's day. . . The leek is white, the leek is green, white its bulb, and its leaves are green: the white bulb is the ensign of purity and its green leaf proclaims immortality.)

Dekker, the dramatist, who was a contemporary of Shakespeare, had long before (1604) expressed a similar

idea, "Tho' my head be like a leeke, white : may not my heart be like the blade, green " (quoted in the *New English Dictionary*, Oxford) ; and in a MS. in the British Museum (Harl. MS., 1977, fol. 9) we find another suggestion as to its significance :—

" The Leeke is white and greene, whereby is meant
That Britaines are both stout and eminent.
Next to the Lion and the Unicorn
The Leeke the fairest emblyn that is worne."

This was, of course, probably written after James I came to the throne owing to the reference to the Unicorn, and we may safely conjecture it was not written by a Welshman or the leek would not have been placed third in precedence.

The Welsh poet Tegid, however, not only saw into the soul of the leek but also into its long avenue of associations. Goronwy, Tegid, and Ceiriog were fortunately spared from the tribe of scoffing Pistols who look askance at "an ancient tradition begun upon an honourable respect" because they are "qualmish at the smell of leek" and its supposed lack of æsthetic attractions.

It has been contended that as there is an *English* proverb "not worth a leek", therefore the leek could not have been adopted as the national emblem in Wales. But the answer is that it has been so adopted, and we have, on the other hand, the Welsh proverb adulatory of the leek, "as green as a leek ; cyn lased a'r geninen". "As clean as a leek" is said to be a Scotch proverb, and is found in Allan Ramsay's *Gentle Shepherd* (1725). However, to show that Welshmen do not lack a sense of humour we add a few derogatory quotations about our national custom of wearing the leek, and also quotations in addition to those already given, to show that even in England the leek is not without honour in literature.

1705. *The Diverting Post*, No. 19.

"Why on S. David's Day, do Welshmen seek
To beautify their hats with verdant Leek
Of nauseous smell? 'For *honour* 'tis' hur say,
'Dulce et decorum est pro patria'.
Right Sir, to die or fight it is, I think,
But how is't Dulce, when you for it stink?"

1715. In *S. George for England*, John Grubb.

"Pendragon, like his father Jove
Was fed with milk of goat
And like him made a noble shield
Of she goat's shaggy coat:
On top of burnish't helmet he
Did wear a crest of Leeks
And onions heads, whose dreadful nod
Drew tears down hostile cheeks."—*Percy's Reliques*.

John Grubb is stated to have been of Christ Church, Oxford, and his reference to a crest of leeks suggests that he must have seen the old play of *The Vow-breaker*, London, 1636, Act I, sc. 1 :—

"Thou marry German !
His head's like a Welchman's crest on S. Davie's Day."
(Quoted in Brand's *Popular Antiquities*, p. 90.)

Brand also gives lines from an old ballad, "The Bishop's last good-night", published in 1642 :—

"Llandaff, provide for S. David's Day
Lest the Leeke and Red-herring run away."

This appears to suggest that the ballad-monger thought there was some likelihood of the Bishop being remiss in providing his own Lenten fare. But he is not the only English poet who like Caxton was interested in the Welshman's diet :—

1714. "Leek to the Welsh—to Dutchmen butter's dear."
(Gay, *Shepherd's Walk*, Monday, 83).

1719. D'Urfey, *Pills* (1872), iii, 118,

"S. David you know loves leeks and toasted cheese."

Dekker, whom we have already quoted, in *The Gull's Hornbook*, 1609, says:—

“A salad and a mess of leek-porridge was a dinner for a far greater man than ever the Turk was.”

“Leek pottage” is frequently referred to by English writers and seems to have been as popular as “cawl Cenin”, the Welsh equivalent, in South Wales; and, apparently, larks have also succumbed to the leek’s fascinations:—

“Louers live by loue, ye, as larkes liue by Leekes.”

(J. Heywood, *Prov.*, 1546).

“Men . . . die for lone, when larkes die with leekes.”

(Green, *Menaphon*, 1589).

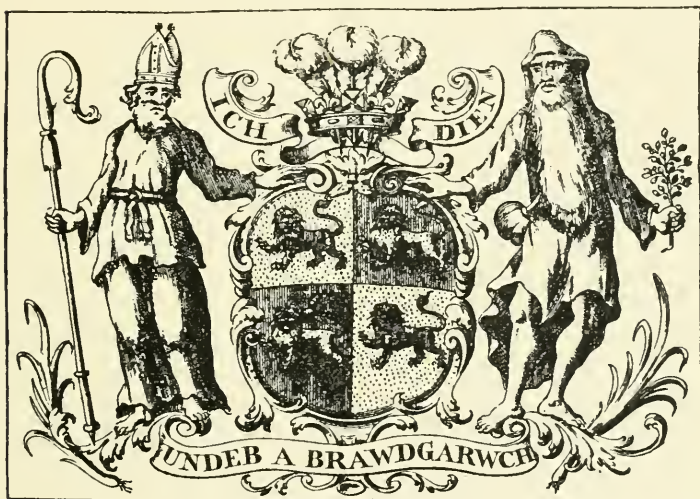
Whether the larks of the present day still continue to show it the same affection as in Tudor times we cannot say, but it seem very clear that when Mr. Ivor John founded an argument upon the lines,

“The beste song that ever was made
Ys not worth a Leky’s blade”

as showing that the leek was held in contempt by Englishmen and therefore would not be chosen as the Welsh national emblem, he took a too limited view of English references to the leek.

There is apparently no evidence of the use of either the leek or the daffodil in mediæval Welsh ecclesiastical architecture nor of their use as heraldic devices by Welsh families. In Enderbie’s collection of Coats of Arms of Welsh Families there is no use of either the leek or daffodil shown, but it is found in the arms of the English family Garlick. The leek is found in the arms of the Cymmrodorion Society, founded by Welshmen in London in 1751, for the purpose of encouraging the study of Welsh history and literature. The leading spirit in this movement was Richard Morris, who with his brothers

Lewis and William—Anglesey men by birth—took an active part in the work of the Society for many years. Richard held an important position in the Admiralty, and the three brothers were well versed in Welsh literature and antiquities. Richard edited two editions of the *Welsh Bible* and also brought out a beautifully illustrated edition of the *Welsh Book of Common Prayer*. The engraved title-page is dated 1755, although the book was not published until 1770. This Prayer Book contains the arms of the



Cymmrodorion Society with the leek engraved on a leaf facing the title-page, so that we find, not only the Cymmrodorion Society, but also, the persons who with Richard Morris were responsible for the most artistic book printed in Welsh in the eighteenth century, vouching the leek in 1755 as the national emblem of Wales in a very public and formal manner. As S. David is made one of the supporters of the Coat of Arms, it may be suggested that the S. David legend was advocated in preference to Crecy, but doubtless the connection is devoid

of such intention. S. David, however, still fights for the honour of parentage. In Cannon's *History of the Royal Welsh Fusiliers* (1837), one of a series of histories of British regiments brought out under Royal patronage, there is a fine engraving of the Royal Arms on the front page which has the rose, shamrock, thistle, and *leek* as a ground decoration.

Hogarth, greatest of English satirical painters and admittedly a most truthful delineator of the life of his own time, has incidentally handed down to us a representation of a Welshman probably on his way to Court on S. David's day wearing a leek in his three-cornered cocked hat. The painting in which this is shown is "The Arrest" in "The Rake's Progress", painted by Hogarth in 1735. In the picture the Rake is being arrested for debt in S. James's Street, and the front of the Palace is shown in the back ground with a cluster of sedan chairs and coaches of those attending the Levee. In addition to the leek worn by the gentleman of Wales, who, by the way, wears a muff to keep his hands warm as was done by fashionable gallants in the reign of George II, one of the Sheriff's officers also has a leek in his hat. In the corresponding engraving Hogarth has transferred the leek from the officer's hat to the hat of one of the chairmen, but the leek in the Welshman's hat remains as in the painting ; and it is quite evident that Hogarth was impressed by a scene which he had actually witnessed, otherwise his known truthfulness in matters of detail would not have allowed him to bring out such an incidental feature into prominence. Ireland's description of our countryman in this picture is perfectly truthful :

"The highborn, haughty, Welshman, with an enormous leek, and a countenance keen and lofty as his native mountains, establishes the chronology and fixes the day to be



To face p. 188.

"THE ARREST."—W. Hogarth.

Painted 1735.

(From the original painting now in the Soane Museum.)

(Reproduced from a copyright photograph by permission of Messrs. Mansell & Co.)

1st of March, which being sacred to the tutelar saint of Wales was observed at Court."—(Ireland's *Hogarth*, Edition 1791, vol. i, p. 43.)

Austin Dobson in his work on Hogarth, describes the Cymro as "an irascible looking Welshman", but anyone may satisfy himself that Ireland's description is the right one. The pose and expression is that of a gentleman notwithstanding the patch on his knee which shows his poverty, and he carries his sword like a gentleman, showing a proud and stern disdain of the sordid scene taking place before him in the very precincts of the Court. The leek is distinctly becoming as worn, standing up proudly as a tall cockade, and one may safely commend it as a fashion for ladies' hats, and also to any Welshman who can summon courage to vary the monotony of men's head-gear by wearing the fashionable "tricorne" of the reign of George II. It is, however, evident that leeks were worn by Welshmen in their hats as late as 1735 on S. David's day, and worn by gentlemen and working-men. It is also clear that Hogarth deemed it a custom worthy of being held in respect, because the painting relies entirely for its dignity upon the Welshman who is witnessing the Rake's arrest.

In concluding this selection from the evidence relating to the Welsh national emblem, we may add that the King has recently chosen the leek as the regimental badge of the newly-formed regiment of Welsh Guards; and the leek has again passed over the fields of France carried as a badge by Welshmen who bear themselves as valiantly as did their forefathers at Crecy and Agincourt.

Finally, we have to state that no advocate of the daffodil's claims has produced any evidence in its favour which we can put forward as in any way affecting the position of the leek, or as supporting a case in favour of

the daffodil, and we have ourselves been unable to find any. An attempt by Welshmen in this age to introduce the daffodil as the national emblem must, it appears to us, in the face of the evidence as it stands, be based upon a deliberate intention to ignore a tradition which is at least, on the strictest view of the evidence, over 400 years old. The rose was not in the Royal Arms in Tudor times, and the present rose and thistle were a later innovation, so that as a national emblem the leek may deem itself not less hoary with age and not less hallowed by associations than the thistle, shamrock, and rose.

Although the daffodil may "take the winds of March with beauty" and violets dim be "sweeter than the lids of Juno's eyes", though pale primroses "die unmarried", the leek ever green and ever white proclaims, as Tegid sings, ideals of chastity and immortality; and whether we connect it with S. David or with the din of strife, its associations remind our nation of one great unselfish life and of countless Welshmen who turned not back in the day of battle.

ADDENDUM.

The custom at Jesus (the Welsh) College at Oxford is thus described by the Rev. W. Hawker Hughes, Senior Tutor and Bursar:—"When I was an undergraduate it was the custom to go to Chapel on March 1st with a leek fastened by the tassel to the cap. This custom gradually fell into disuse as the College became more Anglicised. The College servants attached these leeks to the caps before the wearers rose in the morning and were rewarded by the receipt of 1s. each leek (not 2s. 6d. in my day). Possibly 2s. 6d. may have been paid at one time, and as the fee undoubtedly gave the servants an interest in the maintenance of the custom the lowering of the charge may have, perhaps, been done as a compromise when a protest as to the price of leeks was made. Even now Nationalist patriots wear imitation leeks on festive occasions. I know of no allusion to the custom in our College records, but I have heard that in the earlier part of the last century and before, Welsh undergraduates, especially those of pugnacious temperament, used to flaunt their leeks outside the College, and even went on parade with them down and up the High Street with the set purpose of provoking hostilities with their Saxon contemporaries. The leek used for adorning my cap, I remember, was not the sort I had been accustomed to in Wales but the substantial English vegetable. Leek soup was always served in Hall on St. David's Day, and I believe is usually partaken of now on that festival."

The Ecclesiastical Constitution of Wales on the Eve of the Edwardine Conquest.

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The ecclesiastical constitution of Wales in the period immediately preceeding the Edwardine Conquest is generally misunderstood. The Bishop of St. Asaph (*Landmarks in the History of the Welsh Church*, p. 85) writes : "In the tenth century South Wales Bishops were ordained by the Archbishop of Canterbury, while the Bishops of Bangor and St. Asaph professed obedience to Canterbury in the first half of the twelfth century. If we are right in assuming that the independence of South Wales ended with the life of Rhys ap Tewdwr in 1093, it was only natural that ecclesiastical should follow political subjects, and that the Normans should add the Church to their other spoils". Professor J. E. Lloyd (*History of Wales*, ii, p. 447) states that the "profession of canonical obedience" by the Welsh Bishops of the twelfth century to the Archbishop of Canterbury "put an end to the independence of their dioceses, and brought them into the southern province of the English Church". Both these statements, though they no doubt contain much truth, give semblance to the theory that Welsh dioceses were in all respects portions of the Church of England at a period long prior to the death of Llewelyn ap Gruffydd in 1282, a theory bluntly

stated in Lord Halsbury's *Laws of England*, vol. ii, p. 379. "The Church of England is that branch of the Holy Catholic and Apostolick Church which was founded in England, when the English were gradually converted to Christianity between 597 and 686. It contains the two provinces of Canterbury and York, which the four Welsh diocesans joined in 1115." The theory is, I submit, false. In a sense it is absurd to talk of national Churches as existing in Western Christendom at any time prior to the Reformation, and prior to that date all Christian Churches in Western Europe were part and parcel of the Roman Church. If, however, the question had been put to an English Canonist at Lambeth in 1265, whether then there was a "universitas quaedam", what might be described as the "ecclesia Walensica" "ecclesia Walliæ", I feel certain that his answer would have been in the affirmative. If this same question, however, had been put to an English Canonist in the year of 1446, the date at which Lyndwood (himself Bishop of St. David's) brought out the *Provinciale*, the great manual of English ecclesiastical law, his answer would, I am positive, have been in the negative. My object in the following pages is to shew that although Wales had, since the early days of the twelfth century, been welded by armed violence, rather than by papal or ecclesiastical authority, into the ecclesiastical province of Canterbury, the union was of a superficial character, and was rapidly breaking down in practice during the last years of Llewelyn ap Gruffydd. Welsh princes and even the Norman Lords Marchers of Wales were not enamoured with special English customs in ecclesiastical matters, whether clerical or anti-clerical. Wales was in short developing on ecclesiastical lines of her own, and was approximating rather to the Gallican than to the Anglican Church. In regard to the law governing Church patronage she was shewing her-

self, to use a modern word, ultramontane, in regard to the administration of the goods of deceased persons, as to which, in the middle ages, she was shewing herself, like France, far more anti-clerical than England. If Llewelyn had beaten Edward at a Welsh Courtrai or Bannockburn there can, I think, be no question but that there would, in the mediæval sense, have been a Welsh Church.

To understand the sense in which a Welsh Church as distinct from an English Church might be said to have existed in the year 1265, it is necessary to give my readers (especially those of them who are not acquainted with the late Professor Maitland's illuminating book on the Canon Law) some idea of the constitution of the so-called *ecclesia Anglicana* or English Church of the thirteenth century, so that they may realise in what way the *ecclesia Walensica* or Welsh Church differed from that institution. A strict canonist might say that in the thirteenth century there was no such institution as the Church of England. There were, he would say, in England two provinces of the Catholic Church; but save and in so far as the Bishops of the province of Canterbury and the Bishops of the province of York were both subjects of the Pope, they were spiritually linked to each other no more than they were to the ecclesiastical provinces in France or Spain, over which the Archbishops of Lyons or Toledo presided. Nevertheless, I think that a thirteenth century canonist would have allowed, as did Bishop Lyndwood in the fifteenth, that the *Anglicana ecclesia* was a "*universitas quædam*", a kind of entity, inasmuch as the ecclesiastics of both its provinces stood in the same relation to the King of England.

Were my imaginary canonist of 1265 a politician he would have told you, if you had asked him if such an institution as the Church of England existed, that the ecclesiastics of the two ecclesiastical provinces of Canterbury

and York had wrested from King John a common confirmation of ancient Church liberty, and that the first article of the Magna Charta “quod Anglicana ecclesia libera sit, et habeat jura sua integra et libertates suas illœsas” applied alike to the dioceses of both provinces, while it had no application to any dioceses that were not in the realm of England. Were he the official of an ecclesiastical court, he would tell you¹ that in England the Church enjoyed, in some ways, greater privileges than in other European countries, inasmuch as (to take one instance) she administered in her courts all matters relating to wills and to the goods of persons who died intestate, rights which the sovereigns of other lands in the main denied to her. On the other hand he would say that this Anglicana ecclesia was in some ways worse off than some other churches. For instance, he would say that although Pope Alexander the Second, of blessed memory, had decreed that all questions relating to Church patronage should be tried only in the Church Court, that in fact the Canon Law is set at naught by the Royal officials, and such matters are tried in the King’s Court. He would therefore conclude that for certain purposes the ecclesia Anglicana was a Universitas quædam.

If you had then asked him “Was there an ecclesia Walliæ or an ecclesia Walensica”, I think that he would have replied in the affirmative. He would have said that although the Welsh Bishops were in fact subjects of the Archiepiscopal See of Canterbury, the ecclesia Walensica was not in fact governed by the same customs as the ecclesia Anglicana. He would then speak with some bitterness of the manner in which the goods of intestates were seized by the officials of the Lord of Snowdon, who called himself Prince of Wales, and who pleaded the wicked laws of Howel Dda for the crime, and paid no heed

¹ Maitland, *Canon Law in the Church of England*, p. 59.

to the legatine constitutions of Cardinal Ottobon. On the other hand he would admit that in regard to the right of Church patronage, the Welsh Prince and people were good Christians. In their country such cases were tried in the Church Court. On the whole, speaking as a practical person, he would say that in the routine of business, the *ecclesia Walensica* would be recognised even by the Holy Father at Rome to be in some ways a *Universitas quædam*, in other words, to be an *ecclesia particularis*, a Church which for good or evil, lawfully or unlawfully, lived under customs, which were not the customs of the dioceses of England.

It will be well here, I think, to explain the character of the Canon Law of the thirteenth century, though to do so must entail a certain digression. The first fact to realise, is that in the thirteenth century the State in the modern conception thereof had no existence. Every person in Western Europe owed allegiance at least to two authorities, the local ruler and the Roman Pontiff. The sphere between the two rulers was never clearly defined. One, indeed, claimed to rule in things spiritual, the other in things temporal; but the line was difficult to draw in practice, and the more extreme Canon lawyers would, if they had had their way, have reduced the kings of England and France in their own realm to something hardly distinguishable from a local commissioner of police for the all powerful Church. Certainly the Pope claimed in every country of Europe many of the rights of a sovereign prince. He carried on wars and he taxed the people of every country to pay for them. The well-known *taxatio* of Nicholas III, our best existing record for the names and revenues of Welsh and English benefices in the middle ages, is a Tax collector's document. Shortly before the period with which we are concerned, England and Wales were

heavily taxed to pay for the Pope's crusade against the Emperor Frederick II, notwithstanding the fact that that unorthodox personage was the brother-in-law of the King of England.

And what for us is more important, the Pope of those days was the greatest legislator in Europe. From the middle of the eleventh to the closing years of the thirteenth century was the golden age of the Canon Law. An enormous number of decretals were issued by Popes like Alexander III and Innocent III, and were collated in four books by Raymund de Pennafort, to be used exclusively "in judiciis et scholis". Looked at to-day many of these decretals bear the most innocent aspect of a letter written by the Pope to a Bishop who is in difficulties in his diocese over a tithe squabble or the presentation to a living. But these innocent looking letters when once incorporated into the *Jus commune* became Church law which, in the opinion of every Canon lawyer, was binding upon every Christian on pain of excommunication and imprisonment in this world and of damnation in the next. And this law was not merely proclaimed in Rome and left to the conscience of the faithful, or to the discretion of the Bishop. Every Bishop and every Archdeacon had his Court, and that Court administered this Canon law on clergy and laity alike. And the Officials who presided in these Courts were often men who had studied the legal science of the Church at the Universities of Paris or Bologna, or who were in close touch with men who had done so. Nor was Papal legislation confined to the decretals. Frequently the Pope would send a Legate to a country and this legate would at once oust the local Bishops and ordain local laws for the local Church. England received such legatine visitors in the thirteenth century in the persons of Cardinals Otho and Ottobon, both of whom laid down constitutions on eccle-

siastical matters, which are still the basis of English ecclesiastical law. One of Ottobon's constitutions in fact has, as we shall see, an important bearing in Llewelyn's controversy with Anian and Peckham.

We thus see that the Pope claimed the rights of a sovereign prince over the whole of Western Europe. Modern writers (to take for example Mr. Willis Bund) fall, I think, into an error, when in speaking of the controversies they say that the question at issue was whether the law of the land or the law of the Church should prevail. Writers who use such language are thinking the thoughts of a modern State. They are obsessed by the Austinian theory of a supreme state sovereignty. Mediæval men did not so reason. Every subject of Llewelyn ap Gruffydd or Henry III would have allowed that, in some respects he was a subject of the Pope and not of the Prince or King. That the Pope had a right to command him on all matters affecting the Faith he would have implicitly believed. He probably liked Papal collectors of taxes for the wars against excommunicate Emperors or Albigensian heretics as little as we appreciate the attentions of the modern Income Tax Commissioners. But he would no more have denied the Pope's right to take his money for this purpose than any of my readers would deny the right of the State to tax them. But there were limits to this allegiance. The mediæval man was seldom a heretic; but he was not a logical ultramontane. He was also rooted to his local customs, and obstinately refused to alter them, merely because of a rescript which the Holy Father had sent to the Archbishop of Toledo. Thus in England, although the Holy Father had laid it down that cases relating to ecclesiastical patronage ought to be tried in the Church Court, the English nobles insisted, with no little truth on their side, that their advowsons were simply portions of the

manors which their ancestors had agreed to demise to the parson of the parish. These advowsons they insisted were part portions of their fiefs, and if there was litigation about them, the litigation must take place in the King's Court.¹

The Welshman cared probably little where the plea of the advowson was held. If the claim of a Norman Lord Marcher to the patronage of a living was upset in the Bishop's Court, he probably rejoiced. But he cared a good deal for the laws of Howel Dda and the ancient customs of the Welsh cantreds, and he felt there was something wrong when they were upset even by a young Welsh clergyman who had studied for a couple of years at Bologna, far more when they were treated with contempt by an official of Canterbury. Besides, he had a shrewd suspicion that if he accounted for the goods of an intestate to the Archdeacon, he would at no distant date have to account for them again to the Prince. So in Wales and England, as in many other parts of Europe, local custom fought a hard fight against Canon Law. When a great principle was involved, as in the Hildchadine controversy over investiture, the canonist triumphed. Even the holy Roman Emperor could not fight the Pope on a matter of high principle, unless he were prepared to see half Europe in arms against him. But when the question involved was trivial, the Holy Father knew that excommunications and interdicts were useless, and that to preach a crusade would have been ridiculous. Hence His Holiness turned the blind eye to such delinquencies on the part of the faithful and a deaf ear to the Bishops who protested against the sin. In time the breach of the Canon Law might be recognised even by the Pope himself as a good local custom. Still here there were limits. The old Scotch adage, "Shew me the man and I'll shew you the law", was well understood

¹ The subject is more fully discussed on p. 210.

at the Curia. Edward of England and Philip of France might prohibit these Church Courts from interfering with their prerogative rights ; but Llewelyn of Wales or Peter of Brittany, if they put up a stiff upper lip when Church officials complained of infringements of canonical liberties might be reminded in florid Latin periods of the fate of Count Raymond of Toulouse. The tendency therefore was for the Papacy and its canon lawyers to enforce their law with greater ease in the little duchies and principalities than in the great kingdoms, a tendency clearly illustrated in the history of Wales.

To come now to definite facts. In 1268 Cardinal Ottobon (hereafter to sit for a short time as Adrian V on the throne of St. Peter) was for a second time a visitor in England. He was, in fact, the negotiator of the settlement which followed the Baron's war, and Wales was indebted to him for the treaty which secured her a temporary independence. Ottobon, in St. Paul's Cathedral Church, duly promulgated certain ecclesiastical laws before the assembled Bishops and Clergy, and the laws he made as Papal legate for the kingdom of England and also for the lands of Scotland, Ireland, and Wales. Of his power to bind Wales by his laws no canonist could doubt.¹

Ottobon apparently gave (Athon, p. 123) a formal ratification to a clause, numbered 22, in the Magna Charta of 1215, but which is omitted from later charters, which directed that if a freeman died intestate his chattels should be distributed by the hand of his next kin-folk under the supervision of the Church. Ottobon approved the custom, and at the same time told the English Bishops that they were merely trustees and could not apply the intestate's property for their own purposes. One may doubt if this clause in the Magna Charta applied to those

¹ John de Athon, p. 79 (Oxford edition).

portions of Wales which were governed by Welsh law. In fact, the claims which the Church put forward in England to an exclusive jurisdiction over testamentary suits and over the distribution of the goods of intestates were hardly admitted in any other country in Europe. Indeed, Lyndwood, the greatest of all the English Canonists, writing in the fifteenth century, lays it down that the right of jurisdiction in testamentary matters pertains to the Church in England by local custom and not by the Canon Law.¹ The laws of Howel Dda were by no means unjust, even to high ecclesiastical claims. The Welsh Bishops and Abbots had a right to hold their own Courts.² Clerics enjoyed an absolute immunity from the control of lay chieftains, and the Church alone decided questions of ecclesiastical patronage. But the question of the testament and the intestate estate were difficult matters. All Welsh custom was, as we have said, against it. The laws of Howel say nothing about an ecclesiastical superintendence of the dead person's property. The whole scheme of the Welsh code denied to the Church any right of interference in the matter, for a cleric could not be a judge in a Welsh Court (*Dim. Book*, c. 8, § 128). Indeed, the power to dispose of personal effects by will was only slightly recognised in Welsh law. Even when a Bishop dies (according to the Venedotian code, *Book*, ii, c. 12, § 9), all his property belongs to the

¹ Lyndwood, *Prov.*, p. 171. Some of my readers doubtless may wonder how questions of probate and administration could ever have been considered religious matters. It must be remembered that the claim of the Church extended only to personal property and not to land, and was connected with the doctrine of prayers for the dead, the Church claiming to set apart some portion of the property of deceased "in pios usus".

² Both the statements come from a later edition. See Haddan and Stubbs, i, p. 624. Rhys and Brynmor Jones, *The Welsh People*, pp. 240, 241.

King; for such property is waif to the King, except vestments and ornaments of the Church and what shall pertain to it.

It was natural that Llewelyn ap Gruffydd and even the Welsh Lords Marchers should stand by the customs of Wales in this matter of the testament and the intestate. It was natural also that the Prince should struggle to enforce the Welsh law, even over the Welsh portions of the diocese of St. Asaph, which he had obtained by the treaty of Montgomery in 1267. But the testament and the intestate were only part of a great question of Church law. Llewelyn's ecclesiastical position was a difficult one. During the nine years which passed between the treaty of Montgomery and the treaty of Conway, Wales might be said for the first time since the Norman conquest to be under the rule of one prince. But ecclesiastically the country and the country's Bishops were subject to the Primate of England, and further the Welsh Bishops were the liegemen of the King of England. Llewelyn was himself a good Catholic in the mediæval sense, and treated clerical claims with far greater respect than did Edward I, "*Immo tutor strenuus ac præcipuus ordinis nostri, singulorumque ordinum et ecclesiasticarum personarum, extitit dictus princeps, tam pacis quam guerre temporibus retrouitis*".¹ This testimony is given to him by the Abbots of Whitland, of Strata Florida, of Cwm Hir, of Strata Marcella, of Aberconway, of Cymmer, and Valle Crucis, in a letter written by them to the Pope, Gregory X, defending him against the charges of the Bishop of St. Asaph. But he could not look without anxiety on a system which, in times of war with England, would use its spiritual powers on the side of his enemy. Of late years the powers of the Archbishop of Canterbury had been

¹ Haddan and Stubbs, vol. i, p. 499.

growing at the expense of those of his suffragans. The Primate exercised a wide and extensive jurisdiction. As matters stood at the date of the treaty of Montgomery, Llewelyn or any of his vassals might be summoned on pain of excommunication, before the Court of Canterbury, at a time when war was raging between England and Wales. The position was an intolerable one, and Llewelyn used the years of peace, which followed the treaty of Montgomery, to try to ease the situation. He made an appeal to the Court of Rome, and the appeal was successful. Rome at this period was friendly to Wales. It was the legate Ottobon who had played no small part in the negotiations that effected the treaty of Montgomery. Rome had not forgotten how David ap Llewelyn had offered to make his Principality a vassal fief of the Holy See. In 1274 the Pope Gregory X held a great council of the Church at Lyons. It was the golden period of the mediæval Papacy, and the council of Lyons marked the light of its power, for at this conclave the long controversy between the Holy Roman Empire and the Papacy was for the moment closed by the submission of Rundolph, the new Emperor, to those claims of the Papacy in Italy against which the House of Hohenstaufen had so long fought in vain. Representatives of the Greek Church were present, and Gregory may have felt that he was head of a united Christendom, king of kings, and lord of lords. That Council marked the meridian of Papal glory, so soon to be clouded by the fate of Boniface VIII. Robert Kilwardby and English and Welsh Bishops were present at the Council, and the Pope appears to have given special attention to both the ecclesiastical and political questions in Wales. His sympathies were clearly with Llewelyn, and he realised how dangerous was his position, for Gregory had been on the crusade in Palestine with

Edward I and knew the man, as one who would strike without scruple for his own hand. He feels that Llewelyn needs protection and is anxious to give it to him. So he points in a rescript to Kilwardby the unfairness of citing Welshmen to England when there is any danger to them from going there. He forbids the Archbishop therefore to cite Welshmen to his Court in England on pain of excommunication, so long as they are willing to appear before his Commissioners in Wales. The Papal rescript was a heavy blow to the metropolitan claims of Kilwardby in Wales. He could, indeed, still cite Welshmen to his judgment seat; but where the Welsh Prince and his subjects were concerned that judgment seat must be in Wales. Kilwardby's feelings on reading this rescript cannot have been pleasant. His officials must indeed have been perturbed. Edward Longshanks had a look that struck men dead with terror, and it must have struck terror into these clerks to reflect that they might some day have to determine a suit between their sovereign and Llewelyn on Welsh soil. The rescript, if fairly carried out, would have made the position of Canterbury in Wales intolerable, and if Llewelyn had triumphed, as did Robert Bruce, Wales would doubtless have been severed by Papal authority from the province of Canterbury.

Another letter¹ of the Pope from Lyons was addressed to Llewelyn himself, and related to a political matter. It was a solemn confirmation of the settlement made between Llewelyn and his brother David in 1268 through the mediation of the Bishops of St. Asaph and Bangor. This letter must clearly be connected with the conspiracy against Llewelyn into which the shifty David was dragged by Hawisa L'estrange the wife of Gruffydd ap Gwenwynyn of

¹ See letter, Haddan and Stubbs, i, p. 501. Haddan and Stubbs date this letter 1274; Mr. Willis Bund 1275.

Powis and her son Owen. The Pope confirms the ageement and denounces the apostolic anathema on anyone who infringes it. This letter must have been written to assist the Welsh Prince against the conspirators of 1274. It did not altogether produce its effect, for in that year David fled to England. Still it is worthy of note that Edward I did not attempt war against Wales in the lifetime of Pope Gregory, who died in 1276.

It is obvious that the Bishop and Chapter of St. Asaph were aware of Llewelyn's growing difficulties in the year 1274 and that they used the opportunity to push their claims.

The position of the diocese was indeed peculiar. The vale of Clwyd had up to 1256 been under English control. English customs had probably taken root in St. Asaph, and the Court of the Bishop of the diocese no doubt claimed the same rights of testamentary and intestate administration as were exercised by English Bishops. But with the Welsh conquest came back the laws of Howel Dda, and Llewelyn's officials appear to have enforced them with some exactness. Moreover, the Prince apparently took the view that the treaty of Montgomery had made the Bishop of St. Asaph a spiritual feudatory of the Welsh Crown, and to have sought, when a vacancy of the See occurred, to control the election after the manner of most European rulers of his time. In 1268, Anian II, the "black friar of Nannau", was (whether against or in accordance with Llewelyn's wishes we know not) elected Bishop of St. Asaph. He does not seem to have been a strong partisan either of the Welsh or English cause; he was a fierce fighter for the rights of his see, and for the moment it was Llewelyn and not Edward who threatened these rights. In the early years of his episcopate he appears to have been on friendly terms with the Welsh

prince, and he acted as one of the arbitrators in the dispute with David in 1274; but he probably felt that the moment had come to strike for the privileges of his diocese. In the October of that year a synod of the clergy of St. Asaph took solemn evidence as to certain points in dispute between the Prince and the Bishop. The points were all of a trivial character,¹ relating to the treatment of criminals who were vassals of the Bishop. That a serious storm was brewing however between Anian and the Prince is proved, not only by the letter of the Welsh Abbots to Gregory X, already mentioned, but by a letter which the Prince wrote at the same time to the Archbishop of Canterbury, denying that he had wronged the Bishop.²

Anian for a time seems to have held his hand, but in 1276 the dispute again broke out in a more violent manner. In this year the Bishop obtained from Edward I, who had already determined on a Welsh war, a charter³ confirming the liberties of St. Asaph. The charter is in common form and means little. It proves, however, that Edward was trying to make the clergy of St. Asaph his allies in the inevitable contest. In the December of 1276, the Bishop and clergy published their formal catalogue of grievances (*gravamina*) against Llewelyn for transmission to the Archbishop of Canterbury and the Pope.⁴ Many of these *gravamina* relate to merely trivial matters of dispute as to rights exercised in respect to the Bishop's vassals by the Prince's bailiffs; others however, from the Canonist's standpoint, are important. The earlier articles complain that the Prince will not permit the Bishops of St. Asaph to make their wills. If they do make wills, the Prince

¹ Haddan and Stubbs, i, p. 502. ² Haddan and Stubbs, i, p. 503.

³ Haddan and Stubbs, i, p. 509.

⁴ Haddan and Stubbs, i, p. 511 and *seq.*

treats these wills as null and void, and distributes their personal goods according to his pleasure, together with the possessions of any other persons mixed up therewith. Gifts given by a Bishop of the diocese on his death-bed fare no better. Moreover, the Prince refuses to permit a fresh election to the see except with his permission. Testators generally, unless their wills are made during their last illness, share the same fate as the Bishop of the diocese. Their goods are administered by the Prince. When the see is vacant the Prince himself determines the boundaries of manors¹ belonging to the Church. He refuses to recognise women as heirs. This, however, is the custom of the country. He claims the right to punish offences committed in cemeteries and in other sacred places. He endeavours also to punish offences against the marriage law. Clerics are further compelled to submit to a trial in his court on the suit of their vassals. Shortly, the chief charge against Llewelyn is that he treats the Bishops of St. Asaph as his subjects, and that he will not recognise fully the right to administer the estates of deceased persons, which the custom of England, though not the Canon Law, gives to the ecclesiastical courts. The question is, was Llewelyn or Anian right in law, as law was understood in the Middle Ages. The Bishop of St. Asaph undoubtedly lived in Welsh territory. Under the laws of Howel Dda Llewelyn was justified in seizing the possessions of a deceased Bishop. But the question arises whether Ottobon's constitution, to which I have referred, had not repealed the laws of Howel Dda on this point.² Ottobon's constitutions, as we have seen, applied to Wales. It might therefore be said that Llewelyn was in the wrong; but there is another side to the question. The custom which

¹ The words in the Latin are "*villarum*". Haddan and Stubbs, vol. i, p. 514.

² See *ante*, p. 200.

gave to the Church the administration of the estates of deceased persons, especially of deceased persons, who had died intestate, was merely an English custom. It was, as we shall see, unknown alike in Carnarvonshire and in Glamorganshire. Llewelyn might further say that he was simply acting like most other princes in Europe and that, in fact, the Church enjoyed greater liberties under his rule than it did under that of his English rival. Besides, most of the clergy in Wales supported him, and the Holy Father at Rome had never, until Anian raised the question,¹ interfered in the matter. On the whole I think that Llewelyn had on the question of the dead man's estate a good case; but it is easy to see why the St. Asaph clerics, who had long lived under English rule, took a different view. Whether, however, Llewelyn could justify himself under the Canon Law in seizing on the goods of a deceased Prelate is more doubtful. The other charges are trivial. The question to the heirship of land was under the Canon Law no concern of the Church. The accusation of an interference with cemeteries may be explained by the fact that in mediæval Wales cemeteries were often at a distance from the churches. That the Prince's Courts may in some parts have exceeded what the Canonists deemed their proper jurisdiction is probable; but the same thing happened everywhere in Europe. The fact to remember is that in Wales, under Llewelyn's rule, the Church, as she discovered later, enjoyed far more canonical liberties than she did in England under the rule of Edward I. However, at the end of 1276, with an English invasion impending, Llewelyn was in no position to argue points of Canon Law.² His reply to the St. Asaph grievances was the

¹ That the Pope did write on the subject appears from Haddan and Stubbs, i, p. 540.

² Haddan and Stubbs, i, p. 519 and *seq.* The charter is undated,

issue of a charter, not in the general and meaningless terms of that of Edward I, but a genuine surrender on the points at issue. The first clause granted to the episcopal court of St. Asaph full jurisdiction of all cases relating to wills, marriage rights, usuary tithes, and sacrilege throughout the diocese. The Prince further undertook not to seize the goods of St. Asaph during the vacancy of the see, and agreed to respect all wills made by Church vassals, and even when they died intestate to make no claim to their property. The minor demands of the St. Asaph's clerics were in the main also allowed. Llewelyn had conceded everything which the Church demanded; but this in no way conciliated Canterbury, and, according to custom, as soon as Edward was ready for war the English Bishops hurled upon Llewelyn the anathemas of the Church. In the winter of 1277 the clergy of St. Asaph were bitterly complaining of the ravages of Edward's army in the diocese. As is well known the war closed disastrously for Llewelyn, the treaty of Conway leaving nothing to him but Upper Gwynedd, and removing practically the whole of the St. Asaph diocese from his Principality.

When the war was over, the ecclesiastical controversy reopened. In January of 1279 the new Archbishop of Canterbury, John Peckham,¹ arrived in England. In October of the same year, he is in correspondence with Llewelyn on the old bone of contention, the administration of the intestates' estates,² but the question is now raised not for the St. Asaph but for the Bangor diocese. In his letter the Primate accuses the Prince of infringing ecclesiastical liberties and acting against the Canon Law by

¹ The Life of Peckham so far as it relates to Wales is told by Mr. Willis Bund, *Transactions of the Cymmrodorion Society*, Session 1900-1901, p. 53 and *seq.*

² *Peckham Register*, i, p. 77.

seizing on the goods of intestates and the goods of ecclesiastics, pleading the laws of Howel Dda for his action and treating with contempt the Papal statutes of legates and the rules of other Prelates. It is noticeable that Peckham in his letter does not cite any passage from the *Jus Commune* (that is the Canon Law). His case rests entirely on the legatine constitutions of Ottobon. And it was a bad case. Whatsoever may have been the facts in St. Asaph, it is clear that in the Bangor diocese, the English custom which gave the administration of the intestates' goods to the Church had never prevailed. According to mediæval ideas, Llewelyn could have pleaded that the particular English custom could not prevail over a Welsh law in which the Pope and Clergy had long acquiesced. Perhaps the Archbishop had some suspicion of this, for he goes on to say that the laws of Howel Dda are in some of their provisions contrary to the Ten Commandments. This was a canonist's way of arguing that a law or custom was bad as being contrary to the *jus divinum*.

Whether Llewelyn made any concessions to Peckham I cannot say. More important questions soon arose, and the clouds of war again gathered over the horizon. However, some time elapsed after Llewelyn's death before the English Church had succeeded in seizing the goods of the Welshman who died intestate. The controversy in St. Asaph continued, and in 1294 a jury found the Bishop¹ to be entitled to administer the goods of intestates dying in his demesne lands. In 1305, the Bishop of Llandaff presented a petition to Edward the first in Parliament, requesting him to prevent the lords of the country from hindering his officials from administering intestates' estates.

¹ Haddan and Stubbs, i, p. 604. It will be noted that the finding does not extend to the whole of the diocese, but only to the demesne lands of the Bishop.

Edward replied refusing to abolish the custom of the country to the prejudice of the Lords Marchers.¹ So did his conqueror's action vindicate Llewelyn's stand for the laws of Howel Dda. But the Church was persistent, and by the time that Lyndwood wrote the *Provinciale* the Church through the whole of Wales was administering the goods of the Welsh intestates.

We now come to the more important question of the advowson. Here, as I have said, the Welsh custom agreed with the Canon Law, while the English custom differed. An advowson, I need hardly say, is the right of ecclesiastical patronage over a benefice. To a modern man the right seems to be one of a religious character which even a stout Erastian might allow to be a proper subject of cognisance for a spiritual court. But Englishmen of the thirteenth century took a different view. It was not forgotten that many of the manorial (or as we should now say the parish) churches had once been the property of the lord of the manor.² Before England was even a Christian country the Anglo Saxon thane often ran on his manor a god's house which he ran for profit. The Christian missionary ousted the heathen priest; but the lord of the manor claimed that the church on his manor was his property, in spite of the arguments of the Canon lawyers that the right to present to a living was a mere recognition of the Church's gratitude to a pious founder and involved no proprietary rights. And the lords carried the point, and from the days of Henry II to the present time, the King's Courts have tried cases relating to English advowsons. In Wales the position was different. The Welsh Church was in its

¹ *Records of Parliament* (edited Maitland), p. 75.

² See Maitland's article "The Corporation Soli", *Law Quarterly Review*, 1900, pp. 335-354.

origin tribal and monastic. It was not in country districts dependent on thanes and manorial lords. It had not the same need in later times of pious founders as the Church in England, since Welsh Churches in pre-Norman days were built of wood.¹ Hence, though lay patronage was apparently not unknown in Wales before the coming of the Normans, it was a comparatively unimportant matter, and Welsh opinion no doubt agreed with the canonist in treating it as a proper subject for ecclesiastical jurisdiction.

But the English Law Courts, at least in those portions of Wales where no Welsh Prince ruled, refused as early as 1250 to distinguish between Wales and England. In this year, when Thomas Wallensis was Bishop of St. David's, a prohibition was moved in the King's Court against this prelate for trying a case relating to a Carmarthenshire advowson in his Ecclesiastical Court. The Bishop appeared in the King's Court and argued that the custom of the country justified his action and that in his diocese the English rule did not apply. The reply was that for him to hold a plea of advowson in his court was to rob the King of his prerogation (*in exhæriditatione domini regis*), and orders were given to distrain his property.² It will be seen that the English Courts here set at nought alike the Canon Law and the customs of Wales in the name of the Royal Prerogation.

It is, I think, probable that in 1281 Peckham had never heard of this case. He was a good canonist and he naturally disliked the English custom which gave the plea of the advowson to the King's Court. He knew that the custom had never, in fact, been recognised in Wales and

¹ Lloyd, vol. i, pp. 218, 219.

² *Prynne Records*, iii, p. 187. The case has some puzzling features and it would be well if the record could be examined.

he was determined that it should not be recognised. The Marcher Lords on the North Welsh border, flushed with their recent triumph, opposed him, and, in 1281, Isabel, the daughter of Roger de Mortimer, sued Bishop Anian in the King's Court because he refused to institute a cleric whom she had presented to the living of Llan-y-mynech. Peckham was furious and he wrote to the lady's father and also to herself saying that her action was an infringement of ecclesiastical liberties which might bring on her the pains of excommunication. To sue a Welsh Bishop in the King's Court over a question of patronage was unheard of since the day that the Christian faith first arose in Wales. He prays Isabel to seek justice peacefully according to the custom of Wales.¹ Peckham fought hard and so also did Anian. But the Mortimer family were equally resolute on their side and they seem to have had King Edward behind them. There was an appeal to Rome from the Archbishop; and a writ from the King to the Sheriff of Shropshire to distrain the goods of the Bishop of St. Asaph. In a word there was all the material for a first-class war between Pope and King over the ecclesiastical liberties of Wales, when the rash march of David in Passion Week on Hawarden Castle ruined Llewelyn. Peckham forgot all Edward's attacks on ecclesiastical liberties and called on all his suffragans, English and Welsh, to excommunicate the Welsh Prince. One refused. It was Anian of St. Asaph who had now probably learned that Church liberties were safer under Welsh than under English rule. The English army retaliated by burning part of St. Asaph cathedral and Peckham requested his suffragans not to be too hasty in excommunicating the offenders.²

¹ Haddan and Stubbs, i, pp. 531-533.

² Haddan and Stubbs, i, p. 536 and *seq.*

Wales at last was conquered and Peckham's fears revive. He holds in 1284 a visitation of Wales enforcing the claims of Canterbury to supremacy against the last prelate of St. David's, but at the same time urging the Welsh clergy to support their ancient liberties. In a letter¹ written in Wales to Edward in July 1284, he urges him not to soil his victory by bringing shame on the Church of Wales. He implores him to preserve for that Church its ancient liberties and rights. He complains with bitterness that the King's bailiffs, who are "*prudentes carnaliter ac imprudentes spiritualiter*", support any ecclesiastical practice in Wales profitable to themselves which is contrary to English custom but subvert any practice which tends to the elevation of the Church, but is contrary to English custom. In other words Peckham is discovering that the English conquerors of Wales are as determined to refuse the Welsh Bishops the right to try questions relating to Welsh advowsons in the ecclesiastical courts as they are reluctant to give the same Bishops the rights to dispose of the goods of the Welsh intestates. Peckham for the moment accomplished little, and in 1285, when the Bishops entered a protest against the King's treatment of the Church, one article complains that the Welsh Churches have lost their ancient liberty, "*quod ecclesie sua libertati pristinae dimittantur*".²

In time, however, centralising tendencies prevailed. The Church (as we have seen) obtained in all Welsh dioceses the control of the goods of the testators and intestates, and Welsh advowsons were treated as property and were made subject to the jurisdiction of the King's Court. In a word, the Churches of Wales and England were amalgamated into one body, so far as law could

¹ Haddan and Stubbs, i, 569.

² Haddan and Stubbs, i, 553.

amalgamate them, and when the Reformation came, it was natural that they should be reformed in the same way.

If Llewelyn had won, however, it is clear that Wales, in the canonist sense, would have possessed an independent Church. The supremacy of Canterbury would have been proved to be inconsistent with Welsh independence, and the Pope would have made the same concession to Welsh nationalism which, after Bannockburn, he made to Scotch nationalism. An independent Welsh Church would perhaps have retained certain local customs. Otherwise it would have been governed by the Canon Law, and probably Wales ecclesiastically would have continued to develop on Gallican rather than on Anglican lines. Had Wales continued independent to the sixteenth century, it is probable that she would not have accepted the Reformation. Had she accepted it however, it would almost certainly have been in the Calvinistic or Presbyterian form.

But these are speculations. The fact that the Welsh advowsons were treated as temporal property and not as a religious trust by the English conquerors of Wales, did much to alienate the Welsh Church from Welsh sentiment; but to touch on this side of the subject would be to infringe on contemporary controversy. The fact for historians to remember is that the death of Llewelyn ap Gruffydd and the fall of his Principality alone made possible the ecclesiastical union of Wales and England.

Welsh Adventurers to the West Indies in the 16th Century.

WE are indebted for a transcript of the ballad given below to Mr. J. H. Davies, M.A., Registrar of the University College of Wales, Aberystwyth. The copy is taken from an eighteenth century manuscript in the National Library of Wales, written by William Bulkeley, of Brynddu, Llanfechell, about the year 1730. In the *Cambrian Quarterly Magazine and Celtic Repertory*, vol. ii, No. 7, July 1830, there is a reference to the ballad and a description of the manuscript, in "a letter from Mr. Humphrey Thomas, schoolmaster at Llanddaniel Fab, in Anglesey, and brother of the celebrated Welsh bard, Mr. David Thomas, Bardell (*sic*) Dafydd Ddu or Eryri (Black David of Snowdon), to the Rev. P. B. Williams, rector of Llanrŭg". Humphrey Thomas writes:—

"I had formed a strong notion in my mind that the Rev. Mr. Bulkeley, of Brynddu, must have left behind him some curious Welsh manuscripts, in the bardic line, either in his own handwriting or that of some other person; for he was a poet himself, though I never saw but one piece of his composition, the subject of which was the 'Day of Judgment', a song adapted to a common tune. He was the *Mæcênas* of the bards of his time. . . . You know, Sir, that Mr. Lewis Morris, when his *awen* soared the highest, addressed a *Cywydd* to Mr. Bulkeley, which is to be seen in *Gwaith Beirdd Mon*. . . . I made several inquiries respecting the fate and disposal of Mr. Bulkeley's manuscripts, but could obtain no information till this week, when a large manuscript was shown me in his own handwriting, as far as I can judge. It is a large folio, long and broad; the character fair, the writing close, a fine small Italian hand, the initial letter of every *Cyrydd* a large strong Roman print. . . . The latter part of the volume consists of old songs, composed principally by Anglesey men; they are of

the seventeenth century, one or two in the reign of Elizabeth. . . . The book is paged, and the poems numbered. The transcriber was a poet, as appears by his marginal emendations, and a critic, as is evident from his explanatory notes. . . . One of the songs (No. 25), no doubt, must have been nearly as interesting to our ancestors as Captain Cook's voyages were to us, comparing great things with small. The title of it is 'Hanes Bagad o Gymry', etc. (*see below*), that is, 'An Account of a number of Welshmen who went out to the West Indies, by the command of Queen Elizabeth, to make reprisals, to annoy and plunder the Spaniards'. Edited by Lieutenant William Peilyn, 1570. The pelican, a water bird, is, with great propriety deputed as a harbinger, to convey the intelligence to Great Britain. In the dialogue the bird accepts the office. . . . The narrative then commences, after the pelican had ascertained the distance and the course he was to take. Some of the places mentioned are on the coast of Spain: Porth y Saint, yr ynysoedd dedwydd (the Fortunate Islands), Caractacos, tre Saint Iayan (*sic*), etc. Mention is made of some Indians who were cannibals: the existence of such savages was in some measure doubted till late melancholy facts proved the shocking reality. This expedition was very successful. The names of the Welshmen are here inserted, viz., Captain Belings, Captain Roberts, Lieutenants Salisbury and Peilin, Sergeant Hughes, Hugh Middleton. . . . Whether these brave heroes ever returned to their native land, is a question that cannot easily be decided at this distance of time."

If *The Principal Navigations, Voyages, Traffiques, and Discoveries of the English Nation*, edited by Richard Hakluyt, Preacher and some time Student of Christ Church in Oxford, had been accessible to him, Humphrey Thomas could have discovered in detail what actually happened to his "brave heroes". In *Hakluyt's Voyages* (vol. x, pp. 213-226: Glasgow, 1904), there occurs the story of "the victorious voyage of Captaine Amias Preston, now knight, and Captain George Sommers to the West Indies, begun in March 1595. Wherein the yle of Puerto Santo, the yle of Coche neere Margarita, the fort and town of Coro, the stately city of S. Iago de Leon were taken, sacked and

burned, and the towne of Cumana ransomed, and Jamaica entred. Written by Robert Davie one of the company", which corroborates in a remarkable manner the narrative given in Peylin's ballad, and records what befel the "bagad o Gymru" who adventured to the Indies at the behest of Elizabeth Tudor. The date ascribed to the ballad, 1570, does not correspond with the date of the voyage, 1595, but the similarity of incidents leaves little room for doubt that William Peylin and Robert Davie are telling the same, or at least a part of the same story.

The pelican, it will be observed, after crossing the seas is directed to make its way to Court, to the "Dywysoges digymhares, ein Brenhines gyfion",—the incomparable "Bess" who had commanded the adventure in which Peilyn and his fellow Welshmen were engaged. "Syr Roger William enwog" may well have been Sir Roger Williams (1540?-1595), a Welshman of Monmouthshire, who as a soldier of fortune had acquired a wide reputation for exceptional courage and daring in the service of Elizabeth on the Continent (see *D.N.B.*, lxi, 441-5), so that it might truly be said of him "parch pob rhyfel, pawb a'i câr, y gwir ddigymar farchog". Queen Elizabeth is to be informed that the adventurers on the coast of Spain had chased her enemy's ships, and that they had sailed thence "i Borth y Saint", where they had burnt the town and destroyed the country. Robert Davie's tale is that Captain Preston, with whom it appears was Captain Roberts, surprised the "yle of Puerto Santo . . . utterly burnt the town to ashes, and sent his men to wast the rest of the villages of the yland". Captain Jones in the *Derling* had become separated from the sister ship but eventually they joined company and set their course for the West Indies—departing with joy the 13 of April and on the 8 of May next ensuing arriving at the island of

Dominica, where they stayed till the 14 of May to refresh their sick men, which is equivalent to Peylin's statement that "cyn pen mis y cowsom dir, gwedi hir ofalon, ac yno wythnos tarrio'n glos". On the 27 of May they "landed at a fort that standeth by the sea coast in the Caracos as you go for S. Iago", and took it and the governor of the fort without any resistance, in other words, "Yngharactos eitha byd, ynull ffort ar lann y dwr, a dal y gyfernwr hefyd". We miss from Davie's narrative any reference to the "cannibaliaid creulon" about which Peylin discourses so eloquently; Davie's companions traded with Indians, but they do not appear to have been anthropophagi. When the company arrive at S. Iago we are again in touch. To reach it the adventurers had "to recover the tops of the mountains . . . they were so extreme high and so steep-upright that many fainted by the way"—clearly the "mynydd uwch na'r mynydd draw" which Peilyn and his friends had to cross on the way "i dref Saint Iagaw". Both Davie and Peilyn agree as to the result. According to Davie, Captain Beling and Captain Roberts took part in the fight, and the citie of S. Iago de Leon was taken and burnt (ei churo i lawr a'i llosgi). The sanguinary battle described in stanzas 25-28 is not recorded by Davie. The ships of the small fleet again become separated. "The *Derling*, wherein was Captaine Jones, was sent to discover some secret matter, in which discovery the valiant gentleman ended his life." Others of the company, with presumably Captain Billings (Beling) "yr Hector ffromm", Captain Roberts, and the rest amongst them, having set their course homeward toward Newfoundland, "arrived in safety (God be thanked) in Milford haven in Wales, having performed so long a voyage in the space of sixe months, or somewhat lesse". It is interesting to note the names borne by our Welsh

Adventurers. The Right Hon. J. Herbert Lewis, Member of Parliament for Flintshire, in a personal note to the writer observes that "the names Miltwn (Myddelton), Salbri (Salusbury) and Billings clearly indicate that at least some, probably most, of the "bagad o Gymru(y)", hailed from the Vale of Clwyd. The Myddeltons and Salusburys are still well known families in Denbighshire. The Salusburys lived at Lleweni and Bachymbyd, the Myddeltons at Gwaenynog, both near Denbigh, while the Billings family were connected with Denbigh and Tremeirchion, both in the Vale of Clwyd. 'Capten Billings, Hector ffromm', and Robert his brother were related to the Salusburys, and there are interesting links between the Salusburys and the Myddeltons."

After the above notes had gone to press, the writer discovered that Mr. J. Glyn Davies, of the University of Liverpool, not only possessed an older and, as he believes, a more correct version of the ancient ballad dealt with here, but that he had transcribed his version and added a translation and explanatory notes with a view to their publication in *Y Cymmrodor*. As Mr. Glyn Davies' karol differs in many minor points from the one that here follows, and as his translation and notes are of great interest and value, they are treated as a separate contribution. Some genealogical suggestions regarding the Welshmen engaged, made by the Hon. Mrs. Bulkeley-Owen, are appended to Mr. Davies' article.—V.E.

Ymddiddan rhwng Gwr a'r Pelican, sef hanes bagad
o Gymru a aethant yn amser y Frenhines Elsbeth drwy ei
gorchymyn hi i'r Gorllewin India i ddial ar, ag i anrheithio'r
Hispaenwyr.

- 1 Fal yr oeddwn inne'n wir
Yn rhodio tir yr India,
Mewn trwm feddwl am fy ngwlad
Fe wyr y Tad gorucha.

- 2 Gwelwn eden uwch fy mhen
Ar frig y prenn yn pigo ei bron
Ag yn gollwng hyd ei chrest
Waed o'i brest yn inion.
- 3 Dydd da fo iti 'r Pelican
Yr eden lân hir adain
Caredig wyt roi gwaed dy from
Yn ymborth i'th rai bychain.
- 4 Dydd da fo'i tithe, 'g i b'le 'r ei,
A pheth a wnei di'n y wlad honn?
Ag o b'le daethos' i'r tir hwnn
'Rwyd hyd y gwn yn Gristion.
- 5 Gwr o Frydain, Cristion wy,
Mae ymma fwy o honom,
Nis gwyr un o'n ffrins ynghred
Y byd (ar led) sydd arnom.
- 6 Gamm eich bod mor bell o'ch gwlad
Mi af yn gennad trosoch
I fynegi 'ch ffrins i gyd
Y sudd a'r byd sydd arnoch.
- 7 Myfi a fedre fyw ar fôr
A dal ystôr o bysg yn siwr
Nofio, hedeg by'd hi bell
Nid oes mo'm gwell negeswr.
- 8 Ond nis gwnn i gamm o'r ffordd
Par un ai'r Nordd ai'r Dwyrain
A pha sawl milltyr môr a thir
Sy' oddiyma 'n wir i Frydain.
- 9 O filltyroedd saith deg cant
Sy' o fôr a nant i Frydain
A'r cowyr gwrs wrth reol flatt
Sy'n union at y Dwyrain.
- 10 Hêd pan ddelych gynta i dir
I'r Cwrt am gwir newyddion,
At Dwysoges digymbares,
Ein Brenhines gyfion.

- 11 Annerch iddi yn ddinam
Syr Roger Wiliam enwog,
Parch pob rhyfel, pawb a'i câr,
Y gwir ddigymmar farchog.
- 12 Dywed na welson etto le
Na gwlad, na thre, nag ynys gronn
Heb orchfygu ar bob sias
Lle'r oedd i'w Grâs elynion.
- 13 Yn gynta gwaith ar gôst Ysbaen
Y wlad lle mae'n gelynion
Ni ymlidiasom longau'r rhain
Fal gweilch, rhyw frain neu gowion.
- 14 Hwyllo oddiyno i Borth y Saint
Uchelfraint ynys gadarn,
Llosgi'r dre, distrywio'r wlad
Ni ddaw i'w stât hyd ddydd farn.
- 15 Hwyllo oddiyno, nid pell oedd
Yr Ynysoedd Dedwydd,
Lle'n anffafrus gann y gwynt
I wneuthyr iddynt aflwydd.
- 16 Hwyllo oddiyno mhell heb rôl
A'r gwynt i'n hôl yu inion,
Cin pen mis y cowsom dir,
Gwedi hir ofalon.
- 17 Ae yno wythnos tarrio'n glos
Yngharactos eitha byd
Ynill ffort ar lann y dŵr
A dal y Gyfernwr hefyd.
- 18 Gwedi ni ddyfod i'r tir hwnn
Fe ddaeth yu grwnn i'n herbyn blaid
Gwyr noethion yn rhwyfo, a'u erwyn wedi paintio
Bwâue'n eu dwylo fel diawlaid.
- 19 Cenawon cythreulig geirwon lun ffyrnig
A'u erwyn yn baentiedig, Satan 'r un lun,
A weir yn eu ffroeneu, fal baeddod a dirieu
A'u safnau sy'n malu mwy ewyn.

- 20 Er bod o honyn fawr lu certh
A bod yu serth eu gweled
Ni dariasom yno'n siwr
I geisio dŵr i yfed.
- 21 Dyna'r creaduriaid gwaetha a geid
Y Cannibaleid creulon,
Pobl ydynt fal eirth dig
Yn bwytta eig Cristnogion.
- 22 Oddiyno'r aethom nos a dydd,
Dros fynydd uwch na'r mynydd draw,
Heb orphwyso awr mewn lle
Nes dywad i Dre Saint Iagaw.
- 23 Entrio yno i'r ddinas fawr,
Ai churo i lawr ai llosgi,
A rhoi i orfedd ar en hyd
Y gwyr i gyd oedd yuddi.
- 24 Mŵn ag aur oedd yno i gael
Ond ni oedd wael iw gadw'n siwr
Nid allem aros yno'n hwy
O eisie mwy o swcewr.
- 25 Gwedi dywad siwrne faith
Eilwaith at ein llongeu
Y gelynion deg am un
Oedd yn ein herbyn ninneu.
- 26 Rhai o'n hôl, a rhai o'n blaen
A rhai yn drayn o'n dentu
Fo fu rhyngom ymladd mawr
Do bedair awr o'r un tn.
- 27 Hwynthwy'n danfon yn eu dig
Grymm mawr, wenwynig saethen,
A ninneu'r bwlets plwm i'w crwyn,
Yn talu'r echwyn adreu.
- 28 Ni fuom felly ddwy lêg hir
Yn yuill tir wrth arfe,
Cin cael tynnu saeth o gig
Ein gwyr briwedig ninne.

- 29 Dos mynega hynn yu hŷ
Y bod ni'r Cymru 'n wychion
Ond marw a lladd a mynd yu wann
Y drydedd rann o'r Saeson.
- 30 Capten Bilings, Hector ffromm
Ar dir sydd arnom benna,
Ymhob gwasanaeth perigl drin
Fo eiff ei hun yn flaena.
- 31 Capten Roberts yw'r ail gwr
A fentria 'n siwr fal Siason
Neu fal Theseus gnwppa mawr
Fe gur i lawr ei 'lynon.
- 32 Huw Miltwn ymhob mann
A wneiff ei ran ar eitha i gyd
Ar ddau Lifftenant ymhob trin
Salbri a Pheilyn hefyd.
- 33 Robert Bilings, Sersiant Huws
Ni wna nhw druws a'r gelyn du
Wil Tomas a Wil Jones a Hugh
Wel dyna'r criw o'r Cymru.
- 34 Dwad ein mynd i Newfounddland
Drwy'r Gylph a'r cyrant creulon
Ag oddiyno down i Grêd
I 'mweled a'n cymdeithion.
- 35 Ac os pwyswn at y Nordd
Heb fedru'r ffordd yn inion
Ni gawn olwg ar Gâp Clir,
I landio i dir y Werddon.
- 36 Pann oedd ein mammeu oll yn gu
Yn magu ni yn ysmala
Bychan a wyddant, myn fy Ngrêd,
A doe'n ni'r cerdded ymma.
- 37 Ffarwel, bydd wych yr eden gain
Os ei di i Frydain drosom
Annerch ein holl ffrins i gyd
A dywed y byd sydd arnom.

The Ballad of the Welsh Buccaneers.

(*Llanddyfnan Text.*)

By J. GLYN DAVIES, M.A.

I SHOULD have published the ballad of the Welsh Buccaneers years ago, but the hope of being able to identify our Elizabethan Christian Endeavourers deluded me into profitless delay. In spite of the experienced help of the Hon. Mrs. Bulkeley-Owen, who went to a great deal of trouble to search the genealogies, I did not consider that I could establish sound evidence of identity. We must have something more than identity of name. Fortunately, there are other sources yet to try, and one by one the buccaneers may be identified, and proudly claimed as ancestors by many an unwarlike descendant.

I have already published a reference to the ballad and to Davie's account as given in Hakluyt in my *Two Songs from an Anglesey MS.* (Halle a.S ; 1912).¹ This *Anglesey MS.*, which also contains the ballad, I now call the *Llanddyfnan MS.* for convenience, because part of it consists of a good deal of verse by Capt. John Griffith of Llanddyfnan² in his own writing.

The date of the Llanddyfnan text is about 1654.³ This text is fuller than the Brynddu text published by Sir Vincent Evans in the present number, and altogether a sounder source. I have not had time to examine the Brynddu

¹ Reprinted from the *Miscellany in honour of Kuno Meyer*, 1912.

² See *Cymdeithas Llen Cymru*, II, 19.

³ *Two Songs from an Anglesey MS.*, 1.

text carefully in order to see what light may be got on earlier sources, and to track out the relation of one text to the other. At the present moment I can only remark that the Llanddyfnan MS. was in all probability in the Brynddu collection at one time; the name *Bulkeley* is scrawled across the top of folio 1, and the truncated *Mrs. Bulk* is written on the end inside cover. I bought the MS. at the sale of the library of the late Dr. Evans of Llanerchymedd, who had other books that came from Brynddu, one a copy of Sion Dafydd Rhys' grammar, which is now in the University Library in Heidelberg.¹

Bulkeley of Brynddu had probably both versions, and Lewis Morris had seen both, for in a volume of transcripts made by Mannoethwy,² generously lent to me by his brother Myrddin Fardd, I find a list made by Lewis Morris of "The most noted poems in Mr. Bulkeley of Brynddu's collection", one of which is *Can y Lifftenant William Peilin, Fal yr oeddlwn inne 'n wir yn rhodio tir yr India, 1570*. This wrong date seems to identify it with Mr. J. H. Davies' Brynddu text. Lewis Morris' handwriting occurs on folio 36 of the Llanddyfnan MS., and he could hardly have missed the ballad.

[42.]

karol a wnaeth kymro i dhanfon i loeger i dhangos i
hanes ar trafel a fase arnun pen ynilled yr India gynta o
waith Peilin³

- 1 Mal irhoddwn ine yn wir
yn rhodio tir yr India
mewn trwm feddwl am fyngwlad
foi gwuyr y dad gornucha

¹ I told Osthoff about it, and he promptly secured it.

² A 4^o volume ; p. 161.

³ A line is drawn after the title, and after each stanza.

- 2 Gwelwn Eden uwch fym hen
 ag ar frig pren yn pigo i fron
 ag yn gollwng rhyd i grest
 y gwaed oi frest yn inion
- 3 dydd da bit yt y pelican
 yr Eden glan hir adain
 karedig wyt rhoi gwaed dy fron
 yn borth ith kowion bychain
- 4 dydd da i tithe i ble ir rhai
 a pheth a wnai yn wlad hon
 ag o ble i doethost ir tir hwn
 rhwud hud i gwn yn Cristion
- 5 Gwr o brydain Cristion wyf
 i mae yma mwy o honom
 ag ni wyr un ou ffreins i gyd
 para fud sydd arnom
- 6 Gan ych bod mor bell och gwlad
 mi af yn genad trosoch
 i fynegi ich ffreise yngred
 y byd ar lled sydd arnoch
- 7 mi a fedra fyw ar for
 a dal stor o bysk yn siwr
 nafio hedeg hyd i bell
 nid oes mom gwell negeswr

- [42b.] 8 ond ni wn i gam or ffordd
 na ffwy un ai nordd air dwyrain
 na ffa sawl milltir mor a thir
 sy oddiyma yn wir /i/ brydain
- 9 o filltyroedd saith ddeg cant
 o for a nant i brydain
 ar kwrs sydd wrth rhwol platt
 yn inion at y dwyrain
- 10 hed pen ddeloch gynta i tir
 ir Cowrt a gwir newddion
 I wiw prinses ddigymares
 yn brenhines gyfion

- 11 Anereh hefud yn ddi nam
Sr Roger Williams enwog
parch pob rhyfel pawb ai kar
y gwyeh ddigymar farchog
- 12 Dowaid na welson etto le
na gwlad na thre nag ynys gron
heb orchfygu ymhob sias
lle yroedd yw grase Elynion
- 13 yn gynta gwaith ar gost yspæn
y wlad lle mae¹ kas ddynion
ni amlidiasson longe yrhain
mal gweileh ryw frain ne gowion
- 14 hwylio oddiyno /i/ borth y saint
uchefraint ynys gadarn
llosgi yr dre distrowio y wlad
ni ddaw hi oi stad hud ddyddfarn
- 15 Ag oddiyno nid pell oedd
yn ynysoedd dedwydd
[ond] ni chawson ffafr y gwynt
[I wn]euthud uddunt aflwydd²
- [43.] 16 hwylio o ddiyno ymhell heb rol
ar gwynt in ol yn inion
ar ben mis kael gweled tir
gwedi hir ofalon
- 17 kyn ini ddowad ir tir hwn
fo ddoeth yn grwn in erbun blaid
gwyr noethion yn rhwyfo ai krwyn wedi payntio
ai bwae yn i dwylo fel diawled
- 18 Kynafon kythreilig geirwon drin flyrnig
ai grwyn yn gerfiedig sattan un lan³
a weir yn i ffroene fal baeddod y dirie
ai boche nhw yn malu yr ewin
- 19 dyma kynafon gwaetha ar a gaid
y kanabaliaid kreylon
pobl ydyn fel eirth dig
a ffwytu gig kristnogion

¹ Probably *mae'n* to rhyme with *yspæn*.

² Corner of page broken off and lacunae supplied. ³ Emend *lan*.

- 20 Er bod o honynt fawr lu kerth
ag yn serth i gweled
ni diriasom yno yn siwr
i geisio dwr rhag syched
- 21 mynd oddiyno i ffwrdd ar frus
o thirio yn yns Coetsio
lle kaid perl ameni ku
gorchfygu yr llu oydd yno
- 22 hwylio oddiyno siwrnai dda
i gamenia yn inion
a dal llonge yrhain i gid
ar oedd ar hud yr afon
- 23 Ar ben wythnos tirio yn glos
yngaractos eitha byd
ag ynull ffort ar lan y dwr
a dal gyfuor¹ hefyd
- [43b.] [24] y mynd a naethom trwyr wlad hon
er maint oedd on gelynon
trwy anialweh kyfiweh koed
nid aeth yrioed kristnogion
- 25 mia a farthasom² nos a dydd
dros fynydd uwch nar mynydd draw
ag heb orffwys awr mewn lle
nes dowad i dre saint Iagaw
- 26 Entrio yno ar ddinas fawr
a churo hi lawr ai losgi
a rhoi i horweddd ar i hud
y gwyr i gid oedd ynddi
- 27 ni a gadwason y dre hon
rhag armi creulon wythnos
ninan ond trychant gallu gwan
nid oedd hi fan i aros
- 28 mwn ag aur oedd yma yw kael
a nine yn wael i gadw yn siwr
ni allem aros yno yn siwr³
o cissie mwy o swkwr

¹ Rhyme and scansion require *y gyfuwr*.

² Emend '*farchasom*' or '*fartsiasom*'.

³ In a later hand, after the obvious blunder '*siwr*', *hwy*.

- 29 hwylio i Corws kadarn le
a lloggi r dre yn ol ymladd sias
ag ynill pedair ffort yn siwr
oedd rhwng y twr¹ ar ddinas
- 30 Ag wrth ddowad siwrnai ffaith
eilwaith tu an llonge
y gelynion deg am un
oeddent im herbyn ninau
- 31 rhai on hol a rhai on blaen
ar lleill yn traen on deytu
[fo fu]² rhyngom ymladd mawr
am bedair awr or untu
- [44.] 32 hwynt hwy yn danfon yni dig
y gwenwynig saythe
nine ar pelets plwm yw krwyn
yn talu yr echwyn adre
- 33 ni aethon fellu ddwy leg hir
gan ynill tir wrth arfe
kyn kael tynnu saeth o gig
yn gwyr briwiedig nine
- 34 er nad oddem yno ar tir
yn wir ond Cant a hanner
ni laddasom o honynt hwy
ryfedi mwy o lawer
- 35 Dos mynega hun yn hu
dowaid fod y kymru yn wehion
meirw aladd abod yn wan
y trydedd rhan ir saeson
- 36 kapten Bilins hector fron
ar dir sydd arom³ benna
ymhob gwssaneth perigl drin
fo a eiff i hun yn flaena
- 37 kapten Roberts sydd ail gwr
a fentria yn siwr fel siasson
ne mal therseus gnwpa mawr
fo gur i lawr i elynion

¹ Emend *dwr*.

² Rubbed off and supplied.

³ Read the spoken form *arnon* to rhyme with *fron*.

- 38 huw mydelton ymhob man
a wnaeth i rhan ir eitha
ar dday llyfftenant ymhob [trin]¹
Salbri a heilin hefyd
- 39 Robert Bilins Sersiaut hughes
ni wnae hwy druws ar gel[y]n¹ du
will Thomas will Johnes a hugh
wel dyna r kryw or kymbru
- [44b] 40 dowaid yn mynd ir newffowdland
Trwyr gwllf ar kwrant kreylon
ag oddiyno i down i gred
im weled an Cymdeithion
- 41 ag o ffwysswn at y nordh
heb fedru yr ffordd yn inion
ni gawn olwg ar gap clir
a landio yn hir y werddon
- 42 pan oedd yn mame oll yn gu
in magn yn smala
bychan na wyddent myn fynghred
i doen i ir kerddeid yma
- 43 ffarwel byd² bydd wych yreden kain
o daid i brydain drosom
anereh di yno yn ffreinds i gid
a dowaid y byd sydd arnom
- Heilin Capten Roberts 1595

TRANSLATION OF PEILIN'S "KAROL".

St. 1. As I was wandering in the land of India, sadly thinking of my country as the Supreme Father knows.

2. I could see a bird overhead on a tree top, peeking at his breast, making the blood from his breast flow over his crest.

3. Good day to thee, Pelican, thou beautiful bird with the long wings; thou art kind that thou shouldst feed thy young with the blood of thy breast.

4. Good day also to thee. Whither goest thou, and what dost thou in this country, and whence camest thou to this land. Thou art for ought I know, a Christian.

¹ Hole in the paper; missing word obvious.

² Delete *byd*; plainly a scribal bungle.

5. A man from Britain and a Christian am I: there are more of us, and none of our friends know how we are faring.

6. As you are so far from your country, I shall be your envoy to tell your friends in Christendom how you fare.

7. I can live on sea and catch a store of fish, swim and fly far abroad; there is no better messenger.

8. But I do not know a step of the way, nor whether it is North or East, nor how many miles by land and sea there are from here to Britain.

9. Of miles there are seventy hundreds by sea and stream¹ to Britain, and the course by Platt's Rule is due East.

10. When thou comest first to land, fly to the Court with true tidings, to the incomparable, worthy Princess, our just Queen.

11. Greet courteously also famous Sir Roger Williams, the revered of all combats, beloved by all, splendid incomparable knight.

12. Say that we have not yet seen a place, nor land nor town nor island without winning in every chase where Her Grace's enemies were.

13. In the first fight on the coast of Spain, the land where our enemies are, we chased their ships as though they were predatory crows or fledgelings.

14. Sailing thence to Porth y Saint, privileged and redoubtable island, burning the town, destroying the country. She will not recover until the crack of doom.

15. And thence not far distant were the Happy Islands, but we had not the favor of the wind to do them mischief.

16. Sailing thence far into the void, with the wind dead aft; at the end of a month sighting land after long anxiety.

17. Before we came to this land, there came against us a force of naked men rowing, with painted skins, and bows in their hands like devils.

18. Fiendish knaves, rough and fierce in fight, with carved skins, the very spit of Satan, with wire in their nostrils like rooting hogs, and their pouches grinding froth.

19. Behold the worst knaves that can be found; the cruel cannibals. Folk are they who like angry bears will eat the flesh of Christians.

20. Although there was a great fierce host of them, obscene to behold, we landed there, sure enough, to seek water for thirst.

¹ The chronology of fluctuations in word-meanings has not been seriously attempted in Welsh yet, and it is difficult to know whether the writer meant 'stream' or 'valley' here, if indeed he meant anything more than a resonant rhyme to *cant*.

21. Going away hence in a hurry, and landing in the island of Coetsio, where pearls and lovely stones were got, conquering the host that was there.

22. Sailing thence, a good journey, straight to Camenia and capturing all their ships that were along the river.

23. At the end of a week coming close alongside in remote Caractos, and winning a fort on the beach and capturing the governor too.

24. And we went through the country, in spite of the number of our enemies, through a jungle with trees of such height as no Christian had gone through before.

25. We marched day and night, over a mountain higher than the far mountain, and without resting an hour anywhere until we came to the town of Saint Iagaw.

26. Then we entered the great city, and battered it down and fired it, and laid it level with the ground, and all the men that were in it.

27. We defended this town against a cruel army for a week. We were but a weak force of three hundred : it was no place to stay at.

28. Metals and gold were here in plenty, and we were surely weak to defend. We could not stay there longer because we needed more help.

29. Sailing to Corws, a strong place, and burning the town after fighting a chase ; and we won four forts, sure enough, that were between the water and the city.

30. And in making a long journey again towards our ships, the enemy were ten to one against us.

31. Some before us, some behind us, and the rest a band on each side of us, there was a great fight between us for four hours on one front.

32. They in their anger sending poisoned arrows ; we returning in payment leaden bullets into their skins.

33. We went thus two long leagues, winning ground by force of arms, before pulling out an arrow from the wounded flesh of our men.

34. Although we were indeed but a hundred and fifty ashore, we killed far more of them.

35. Go and tell this boldly. Say that the Welshmen are splendid. Of the English, a third died, or were killed and wounded.

36. Captain Bilins, Hector-breasted, is our chief on land. In every perilous service of war he himself goes first.

37. Captain Roberts is the second man who ventures indeed like Jason, or, like Therseus of the great club, he batters down his enemies.

38. Hugh Middleton has done his full share everywhere and the two lieutenants also, Salisbury and Heilin.

39. Robert Bilins, Sergeant Hughes, they would make no truce with the black enemy; Will Thomas, Will Johnes and Hugh, behold the crew of Welshmen.

40. Tell of our going to Newfoundland, through the gulf and the cruel current, and thence we shall come to Christendom to visit our companions.

41. And if we pass to the North, without knowing the exact course, we can sight Cape Clear and land in Ireland.

42. When our loving mothers nursed us happily, little did they dream, by my faith, that we should come to this roving.

43. Farewell; happiness to thee, slender bird. If thou reachest Britain on our behalf, greet all our friends there, and tell them of our condition.

HEILIN CAPTAIN ROBERTS, 1595.

The ballad agrees in the main with Davie's account, but there are instructive divergencies as the following parallel digests show:—

Llanddyfnan Text.

Davie 1595.¹

		12 March. Preston and Sommers set sail in the "Ascension", "Gift", and a small pinnace, for the West Indies.
		19 „ They are followed by Capt. Jones in the "Derling", and Capt. Prowse in the "Angel".
St. 13.	First sea fight off the coast of Spain.	31 „ Preston by chasing a sail gets separated from Sommers.
„ 14.	Sail to Porth y Saint, burn the town and ravage the country.	Surprise attack on Puerto Santo. Capt. Roberts repels counter attack. Town burnt, other places destroyed.
		[6 April. Sight Canary Islands.
		8 „ Water S.E. of Grand Canary; meet Sommers' pinnace.
		10 „ Anchor off Teneriffe.]

¹ *Hakluyt*, Dent's edition, vol. 7; 172ff.

- St. 15. Pass "Happy Islands" (Ynysoedd Dedwydd); wind unfavourable for landing.
- „ 16-20. Set sail; sight land in a month. Before making harbour attacked by cannibals in boats. Land in spite of them to water.
- „ 21. Land in Coetsio; capture it and get pearls and precious stones.
- „ 22. Fetch Camenia; capture ships lying in river.
- „ 23. Arrive at Caractos; capture fort and governor.
- „ 24-7. Forced march through bush, over a very high mountain. Reach Tre Sant Iagaw, lay it waste and massacre the inhabitants. With a force of 300, retreat before strong counter-attacks.
- „ 29. Reach Corws; burn the town and capture four forts between the town and beach.
- „ 30. Retreat to ships before superior force; break through cordon after a four hours' fight.
- 12 Apr. Pick up Preston. Want to land in Gomera, but blows too hard.
- 13 „ Sail for West Indies.
- 8 May. Fetch Dominica. Indian bumboats alongside; sick men sent ashore to recuperate.
- 16 „ Sighted Grenada.
- 17 „ Arrived at Testigos.
- 19 „ Anchored off Coche.
- 20 „ Landed and took a few Spaniards and negroes and a small quantity of pearls.
- 21 „ Sail for Cumana; tides too strong to make harbour.
- 22 „ Skiffs come alongside to offer ransom. Sailed off with ransom without landing. Took three carvels.
- 27 „ Land in Caracos, and take fort and governor.
- 28 „ March for Sant Iago over such high mountains as one never saw the like.
- 28-9 May. Fights; Capt. Roberts and Capt. Beling mentioned. Enter Sant Iago; eventually burn it.
- 4 June. Return to ships.
- 6 „ Chechere-biche, Caio, and Maio abeam. Burn five ships at anchor.
- 9 „ Anchor off Coros.
- 10 „ Land. Capture barricado.
- 11 „ Burn the town. Return to ships, chiefly because of damage caused by bad weather to Sommers' ship.

St. 33. Have to fight their way
for two leagues before
attending to their
wounded.

20 June. Sighted Hispaniola.

21 „ Anchored off Cape Tibu-
ron.

28 „ Set sail; fleet now Pres-
ton, Sommers, and pin-
nace.

2 July. Arrived at Jamaica.
Captain Jones had died
previously.

6 „ Set sail. Pass Caimenas
islands and Isle de Pinos.

12 „ Pass Cape de Corrientes.

13 „ Under Cape St. Anthony,
Cuba. Meet Sir Walter
Raleigh.

27 „ Sighted Head of the
Martyrs.

„ 40. Intend to make for New-
foundland.

28 „ Gulf of Bahama; set
course for Newfoundland;
head winds; fail to fetch
the coast.

20 August. Homeward bound.

10 September. Arrive in Mil-
ford Haven.

The ballad supplements Davie's account in Stanza 13, from which we know that Preston went to the Spanish Coast. It does not mention Grenada and Testigos (16-17 May), and stops short at Coros. Apparently the writer was only interested in the fighting and considered the log from June 20 to July 27 too uneventful to make a song about.

The ballad records retreats (24-7; 30, 33) of which Davie gives us no hint. On the other hand the ballad makes a good deal of an attack by cannibals (16-20), whereas Davie only mentions a few Indians in bumboats peddling eatables. An Indian may have tried to pot the Welsh bard with an arrow,

and given him the fright of his life, but one cannot help thinking that Peilin is yarning here to an audience that could not contradict him.

The idea in stanza 42 is not original. I have come across it in English verse in the 16th century, but have mislaid the reference. Before assuming that Peilin's account is original, it would be well to make sure that he had not an English model for the stanzas up to No. 34. The classical allusions in 36 and 37 are nothing to go by, because they were pestilentially plentiful in Welsh verse at the time; but stanza 42 puts us on our guard.

The metre is a curious one, but it is quite regular and quite methodical. There is a good example in Aberystwyth MS. 3 fo. 192 (old), by John Brwynog, dated 1597. It seems to have arisen from two causes, the adaptability of a primitive tune which allowed an extra bar at the end of the first half, and the identity of the *Awdl gywydd*, the metre of our metrical Psalms, with a 3' (5" or 6"a) + 3"b tailrhyme,¹ in point of time. The extra bar, no doubt brought in by a 5"b, resulted in that unique metre, the *Tri Thrawiad*, with its unrhythmical end-rhyme. Stanza 2 is a good example of the reduced form of the *Tri thrawiad*, with its extra bar for "*i fron*".

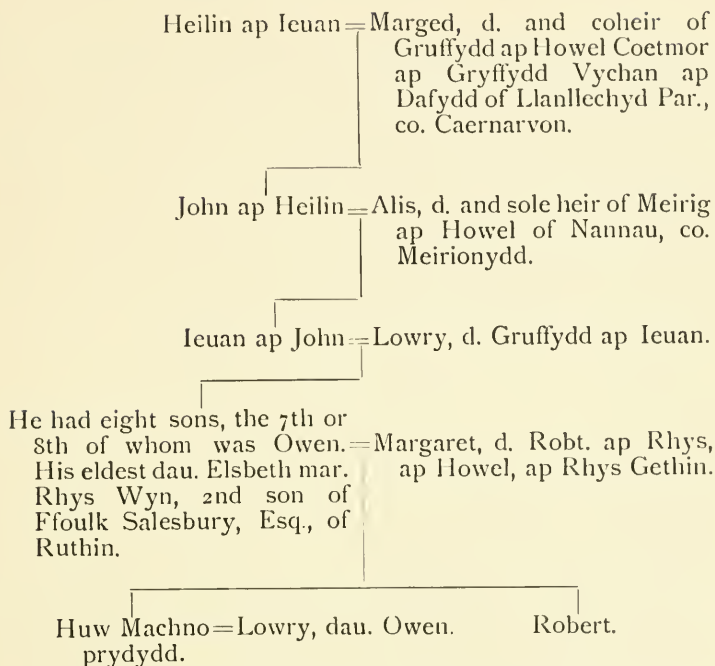
APPENDIX TO PEILYN'S "CAROL".

SOME GENEALOGICAL SUGGESTIONS,

BY THE HON. MRS. BULKELEY-OWEN.

THE writer of this Carol may have been "*Huw Machno, prydydd*" the eldest son of Owen ap Ieuan ap John ap Heilin of Pen Machno, Pennardd, co. Caernarvon. They claim to be descendants from Owain Gwynedd.² Heilin, who supplied them with a surname, had the following descendants.

¹ Line; syllable. ² *Heraldic Visitations of Wales*, ii, pp. 255-256.



Another branch of the Heilin family settled at Alderton, in Myddle Par. co. Salop, and married Kynastons and other Shropshire wives.¹ Their pedigree begins with Gwyn ap Heylin ap Ieuan. To this branch belonged "The pious and munificent Rowland Heylyn, Alderman of London, promoter of the Welsh translation of the Bible, and of every other laudable undertaking of his day";² and also, I conclude, Peter Heylyn, Prebend. and Sub-Dean of Westminster Abbey, whose monument is on the north side of that Church. Stowe calls him "a great Historian and Controversial writer", and says he died in May 1662, aged 63.³

He wrote a History of Presbyterians from 1536-1647, and a History of the Reformation in the Church of England, 1661, a Life of Archbishop Laud, and other histories.

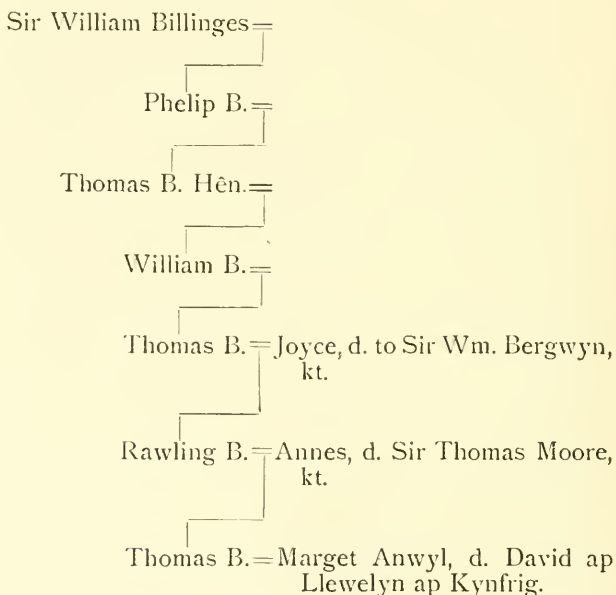
¹ *Heraldic Visitation of Shropshire*, p. 233.

² *Sheriffs of Shropshire*, p. 120.

³ *Stowe's Survey*, vol. ii, Book vi, p. 15.

In the carol we find the names of "*Roger Billings*", Captain, and "*Robert Billings*" his brother, who were both of Tremeirchion Parish, Flintshire.¹ They were the sons of Rawling Billinges and Margaret, d. and heir of Ieuan ap John Coetmor, and their grandfather Thomas Billinges married Elin, the daughter of Ffoulk Salusbury, Dean of S. Asaph (1511-1543).

Their pedigree dates from



Captain Roger Billings left a daughter and sole heir whose name is not given.

It is not easy to identify "*Captain Roberts*". He may have been John Roberts, merchant, of "Y Parke, y Vaner Gymer", in Llanvrothen Par., co. Merioneth; who signed his pedigree 20th Oct. 1588.² He was the second son of Robert ap Morys ap John ap Meredith, by Elsbeth, dau. of John

¹ *Heraldic Visitations of Wales*, ii, 303.

² *Heraldic Visitations*, ii, p. 215.

Hanes of Hamburg. He married Anna, dau. of Powl ap Diricke, "Sercil of Gildertar". [? Gibraltar.]¹

Captain Roberts may, however, have been a native of Anglesey; in which case he was Gabriell Roberts of Beaumaris, and of Conwy, who signed the Visitation in 1615,² and married, first, Ann, dau. of John Harden of Hawarden, Cheshire; and secondly, Dorothy, dau. of Robert Torbrick of Ruthyn, by whom he had three sons, Gabriell, Lewis, and Richard. Or the Captain may have been Gabriell's father, Lewis ap Robert, who married Marged, dau. of Richard Johnson of Beaumaris. Living at Caergybi they are likely to have been a seafaring family.

"Huw Myddelton"

was most probably the famous Sir Hugh Myddelton, Goldsmith; founder of the New River Company. He was the 6th son of Richard, the governor of Denbigh Castle in the reigns of Edward VI, Mary and Eliz., M.P. for Denbigh, 1542-4. He was born about 1555, d. 7 Decr. 1631, bur. the 10th, in S. Matthew's Church, Friday street, London. Will proved 21st Dec. 1631.³ His history is well-known. His brother Captain William Myddelton (though his name does not appear in the carol) may have been one of the voyagers, for he tells us that he "employed his leisure hours in translating the Psalms into the Welsh Metres, a work which he completed on January 24, 1595 in the West Indies."⁴ Captain Wm. Myddelton's "Psalmau Cerdd" was published in 1603.

"*Captain Salesbury*" may have been John the son of the famous William Salesbury of Caedu, the translator of the New Testament into Welsh.⁵ It cannot have been William himself, he was the son of Ffoulk (son of Robert, 4th son of Thomas Salesbury the elder of Lleweni) and of Elin Puleston

¹ Perhaps *Consul*. It will be remembered that Gibraltar was not conquered by England till 1704, and ceded to her by the Peace of Utrecht, 1713.

² *Heraldic Visitations*, ii, p. 75.

³ *Parl. Hist. Wales*, Williams, p. 80.

⁴ *Davies and Salesbury*, by Archdeacon Thomas, p. 17.

⁵ *Davies and Salesbury*, by Archdeacon Thomas.

of Havodywern, who had two sons Robert (of Plas Issa Llanrwst, will dated 1540), and William.

They married two sisters, Lowry and Catherine, daughters of Ellis Pryce of Plas Iolyn¹ in the parish of Ysppyty Ifan, (known as Y Doctor Coch). Robert had two daughters only, and William one son, John.

The dates of William's birth and death are unknown, but as his first Book—the *Dictionary* was published in 1547—and his last Book in 1595 he must have been a very old man at the time of the Voyage. He is supposed to have died in 1599 or 1600.

"*Captain Salesbury*" is far more likely to have been his cousin, Hugh Gwyn Salesbury the son of Rhys Wyn S. and grandson of Ffoulk Salesbury of Ruthin, the son of Piers S. of Rûg (jure uxoris Margaret Wyn of Rûg.)³

Rhys Wyn Salesbury had married, we remember, Hugh (Machno) Heilin's aunt, Elsbeth Heilin.

Hugh Gwyn S. afterwards married Katrin, the daughter of Edward Goodman of Ruthin, (he died 22 May, 1560, aged 84, *vide* Brass in Ruthin Church), by Siseli dau. of Edward

¹ Sheriff of Merioneth, 1551, 1555, 1563, 1568, 1573, 1578, 1584. M.P. Merioneth, 1558 and 1563. Sheriff of Caernarvon, 1558. Sheriff of Anglesey, 1577 and 1585. Died July 1599. Agent for Thos. Cromwell in alienating Church property in North Wales (see *Kalendars of Gwynedd* and *Parl. Hist. of Wales*). The father of Ellis Price was Robt. ap Rhys, who was chaplain to Cardinal Wolsey. His grandfather, Rhys ap Meredith, was standard bearer to Hen. VII at Bosworth, his alabaster effigy, with that of Lowry his wife and Robert his son, are in Ysppyty Ifan Church (see *Arch. Camb. III*, vi, pp. 105-124).

Thomas the son of Dr. Ellis Price was a celebrated poet (1550-1610). His poems are in the British Museum. He fitted out a Privateer against the Spaniards. He was a friend of Capt. Wm. Myddelton, and he says that he, Capt. Wm. M. and Thomas Huet,² were the first who smoked tobacco in London, which they found in a ship they captured between the Canary Isles and Africa (see *Eminent Welshmen*, Williams).

² Thomas Huet, son of the Precentor of St. David's Cathedral, who transcribed the Book of Revelation for Wm. Salisbury's Text in 1547. He died 1591.

³ *Heraldic Visitations*, ii, 331, 332.

Thelwall of Plas-y-ward, (she d. 14 Janry 1583, aged 90.) Her brother was Gabriel Goodman, Dean of Westminster, the Founder of Ruthin School.

He died June 17, 1601.

"Sersiant [Sergeant] Hughes".

He was probably Roger, the son of Hugh Hughes of Plâs Coch, in the Parish of Llan Edwen, Anglesey. Attorney-General for North Wales. M.P. Anglesey, 1597. Sheriff 1581, 1592, and 1600. He built Plâs Coch in 1569, and married Elsbeth dau. and co-heir of Simon Montague, Esq., brother of Sir Edward Montague.² Sir Edward was made K.B. by James I, July 25, 1603,³ creat. Baron Montagu of Boughton, co. Northampton, June 1621, ob. 1644.⁴

Hugh Hughes was appointed to be Lord Chief Justice of Ireland by James I but died in London before he could go over there.⁵

"William Thomas" was probably the son of William Thomas Ap Rhys, Esq. (Sheriff, Caernarvon 1580, and M.P. 1585) who mar. Elin. dau. of William Gruffydd, Esq. (she afterwards became the wife of Sir Richd. Wyn, of Gwydir) and commanded under the Earl of Leicester 200 Welshmen in the Low Countries, and was killed at Zutphen in 1586.

His son Sir William was under age 8th Feb. 1593 and at that time *"Her Majesty's Ward"*. He was Sheriff of Caernarvon 1607. He married Gaynor dau. of Sir William Maurice of Clenennau, in Penmorfa, Kt., and died in 1653.

"William Johnes" was probably the eldest son of Sir William Jones or Johnes (of Castellmarch in Lleyn) Justice of the Common Pleas (1622); died 1640. He mar. Margaret, eld. d. of Gruffydd ap John Gruffydd, Esq., of Cefnamwlech, Anglesey.

Sir Wm. Jones signs the Heralds Visitation in 1596⁶ at which date he states that his eldest son William was dead, he may however have sailed in the Seagull the year before.

¹ *Heraldic Visitations*, ii, 337.

⁴ *Heraldic Visitations*, ii, 143.

² *Book of Dignities*, p. 762.

⁵ *Historic Peerage*.

³ *Parl. Hist. Wales*, p. 2.

⁶ *Heraldic Visitations*, ii, 117.

Heine.

I.—Morgens steh' ich auf und frage.

Yn y bore pan y codaf
“O! a ddaw fy Ngwen?”
Yn yr hwyrnos pan orffwysaf
“Daeth y dydd i ben.”

Ar fy ngwely'n drist gorweddaf
Ar ddihun drwy'r nos,
Ar hyd y dydd breuddwydio wnaif
Am danat, Weno dlos.

II.—Mädchen mit dem roten Mündchen.

Gweno fwyn, a'r llygaid gloywon,
A'r gwefusau fel y rhos,
O f'anwylyd, hedeg atat
Wna fy nghalon ddydd a nos.

O mor hir yw noswyl gauaf
Am na fyddi di gerllaw,
O nas gallem draethu'n cariad
Ar yr aelwyd law yn llaw.

Fe gusanwn innau'n foddlon
Ddwy law landeg wên fy Ngwen,
Mi a'u golchwn gyda'm dagrau
Ddwy law landeg wên fy Ngwen.

III.—Wenn ich in deine Augen seh'.

Cilia tristwch pan edrychaf
 Yn dy lygad tyner claer:
 Dy wefusau pan gusanaf
 Ni chwenychaf olud dae'r.

Rhof fy mhen bach ar dy ddwyfron—
 Gwynfyd gwell na 'Ngwynfa fry:
 Ond pan ddwedi "'Rwyn dy garu"
 O mor chwerw'm dagrau i.

IV.—Und wüssten's die Blumen, die kleinen.

O pe gwyddai'r blodeu heirddion
 Am glwy' fy nghalon friw,
 Hwy wylent, y blodeu tirion,
 Er mwyn fy nghadw'n fyw.

O pe clywai'r mwyn eosiaid
 Riddfannau 'nghalon bur,
 Hwy ganent gân i'm llonni
 A'm gwella'n llwyr o'm cur.

O pe gwelai'r sêr ariandeg
 Holl wae fy nghalon fach,
 Hwy neidient lawr o'r nefoedd
 I'm gwneyd yn hollol iach.

Ond O! ni wyr y rheiny,—
 'Does neb a wyr ond un,
 A thorrodd hi fy nghalon,
 Fy annwyl greulon fun.

V.—Ich wollte, meine Lieder.

O! na fyddai'm holl ganeuon
 Yn flodeu pêr eu sawr,
 I annerch Gweno dirion
 Bob bore gyda'r wawr.

O! na fyddai'm holl ganeuon
 Yn troi'n gusanau cun
 I chware yn y llwydnos
 Ar wefus gain fy mun.

O! na fyddai'm holl ganeuon
 Yn bŷs mor wyrdd a mân—
 Mil gwell yw poten flasus
 Gan Gwen nag unrhyw gân!

VI.—Ich glaub' nicht an den Himmel.

Ni chredaf fi mewn nefoedd—
 Pregethwyr grêd yn hyn;
 Edrychaf yn dy lygaid
 A gwelaf nefoedd gwyn.

Ni chredaf yn y duwdod
 Er llawer pregeth hir,
 Ond gwn am galon Gweno
 Ei bod yn ddwyfol bur.

Ni chredaf fi mewn diafol,
 Nac uffern greulon gas,—
 Mae'r diafol yn dy galon
 Ac yn dy lygad glas.

VII.—*Die Welt ist so schön und der Himmel so blau.*

Mor dêg ydyw'r ddaear, mor lân ydyw'r nen,
 Mor dyner yw'r awel sy'n suo uwchben,
 Tra'n chwarae drwy'r dolydd lle gwena'n ddilyth
 Bob bore y blodeu drwy ddaerau o wlith,
 A phawb sydd yn llawen heb boen yn eu plith,
 Ond fi, —ni ddymunaf ond hyn er fy hedd
 Cofleidio fy nghariad yn nyfnder y bedd.

VIII.—*Ein Fichtenbaum steht einsam.*

Yn unig saif pinwydden
 Ar noeth ogleddol fryn,
 A'r ia a'r eira bythol
 Am dani'n amdo gwyn.

Breuddwydia am balmwydden
 Yng ngwlad y Dwyrain bell
 Mewn crasdir anial creigiog
 Hiraetha am wlad well.

IX.—*Es liegt der heisse Sommer.*

Yn gwenu ar dy wyneb
 Mae heulwen hâf, fy mun,
 Ac yn dy galon galed
 Teyrnasa gauaf blin.

Ond newid wnei mewn amser,
 Fy annwyl lili lon,
 Bydd gaeaf ar dy wyneb
 A'r heulwen dan dy fron.

X.—Vergiftet sind meine Lieder.

Ai llawn o wenwyn fy nghanu?
 Beth arall ddisgwyliet ti?
 Can's ti wenwynodd fy nghwpan,
 Cwpan fy mywyd i mi.

Ai llawn o wenwyn fy nghanu?
 Beth arall ddisgwyliet ti?
 Mae'm calon yn llawn o nadredd,
 A'r pennaf o honynt wyt ti.

XI.—Mir träumte wieder der alte Traum.

Daeth yr hen hen freuddwyd yn ol!—
 Ryw nos lonydd ym Mai,
 A ni dan lwyfen yn eistedd
 'N dweyd ein cariad ill dau.

O'r addewidion addawyd!
 O'r cusanau diri!
 Ac er gwneyd im' gofio'm geiriau
 Brathaist fy llaw fach i.

O! Gwen a'r dannedd llyn a phert
 A'r llygaid clir fel llyn,
 'Roedd eisieu'r tyngu yn ddiau,
 Ond brath-oedd eisieu llyn?

XII.—Ich hab' im Traum geweinet.

Breuddwydiais. 'Ro'wn yn wyllo
 Wrth sefyll uwch dy fedd.
 Dihunais. Ond er deffro
 Fe wylais heb gael hedd.

Breuddwydiais. 'Ro'wn yn wylo
 Am it' fy nhwyllo i.
 Dihunais. Ond er deffro
 Fe wylais dda'rau'n lli.

Breuddwydiais—'ro'wn yn wylo—
 Dy fod yn ffyddlon im'.
 Dihunais. Ond er deffro
 Ni phallai'm dagrau ddim.

XIII.—Warum sind denn die Rosen so blass.

Paham y gwelwodd y rhosyn,
 Paham mor welw ei rudd?
 Paham mae'r fioled gochlas
 Yn plygu ei phen mor brudd?
 Pam mae'r hedydd yn entrych nef
 Yn pyngcio cerdd o gwyn?
 Pam mae'r llysiau iachusol oll
 Aroglau'r bedd yn dwyn?
 Paham y t'wynna'r haul 'r awr hon
 Mor oer ar ddôl a bryn?
 Paham yr edrych y byd mor erch
 A Chysgod Angeu'r Glyn?
 Paham y teimlaf fi mor drist?
 F'anwylyd clyw fy nghwyn,
 Paham y'm gadewaist, dywed i mi,
 Paham, f'anwylyd fwyn?

XIV.—Schöne, helle, goldne Sterne.

Seren loew ddisglair fry
 Dos yn llattai atti hi,
 Dywed wrth fy Ngwenno hardd
 "Claf o gariad yw dy fardd".

XV.—Aus meinen grossen Schmerzen.

Mawr yw fy ngofid a'm eur,
 Ond trof hwynt yn awdlau i gyd,
 Ehedant at fy meinwen glyd,
 Ar aden fy awen wir.

At f'anwylyd hedant yn llon ;
 Yn drist dychwelant yn ol ;—
 Ni dd'wedant ar ol dod 'nol
 Beth welsant o dan ei bron.

XVI.—Die blauen Veilchen der Acugelein.

Dy lygad fel y fioled hardd,
 Dy rudd fel rhosyn pêr mewn gardd,
 Dy law fel lili, medd dy fardd,—
 Blodeuo, blaguro wnâ'th dlysni byw,—
 Dy galon sydd farw a chrin a gwyw !

W. LL. W.

Patriotic Poetry.¹

A REVIEW

BY SIR HERBERT WARREN, K.C.V.O., M.A., D.C.L.,

*President of Magdalen and Professor of Poetry, Oxford,
1911-1916.*

THIS pleasant unassuming little volume represents a very happy idea, most happily carried out. On St. Crispin's day last, October 25th, 1915, exactly half a thousand years after Henry of Monmouth, as Shakespeare has so gloriously depicted, led his men, English and Welsh, to victory at Agincourt, Professor Rhŷs Roberts gave to the Literary and Historical Society of Leeds University, and again to the boys of St. Peter's School, York, an address, which he has now expanded and published in book-form. The original idea of the address was an excellent one. It was to bring together Greek and English patriotic poetry, Homer Aeschylus and Shakespeare, Henry V and Achilles, to set them side by side, in passing comment and exposition, to show how they illustrate and illuminate each other to attach to them passages from the whole gamut of Greek and English authors, not forgetting the other literatures and tongues of Europe, ancient and modern, Latin, French, Spanish, German, and not least, his own native Welsh. Few, if any, scholars could have been naturally better suited or equipped for this task than Professor Rhŷs Roberts. Certainly no one could have

¹ *Patriotic Poetry, Greek and English*, by W. Rhŷs Roberts, Litt.D., Professor of Classics in the University of Leeds, formerly Professor of Greek in the University College of North Wales, Bangor. John Murray. London, 1916; 3s. 6d. net.

performed it better. For starting from a simple and limited theme, the *Persæ* of Aeschylus, he ranges up and down the authors and the ages, carrying his wealth of learning like a bunch of flowers, picking out now one and now another for our delectation, and with an art which conceals his art, letting his allusions and citations, even the more recondite, grow naturally out of the development of his subject.

He starts by taking for his text the famous central passage in the *Persæ*, itself the classic and unrivalled example of a consummate poem written upon a transcendent victory by a poet who had helped to win it. He appeals to the Greeks at Salamis to go forward and fight for freedom, for fatherland, for child and wife, for the temples of their Gods and the tombs of their ancestors, for "all they had and were".

Taking the words one by one, and running division on the general theme, he is able to treat in turn of many topics, of British Unity in kingdom and empire, of Religion, Freedom, Peace, Humanity, Progress. The notes give him yet further opportunity which he does not fail to use, and all leads up to the conclusion and final exhortation that what has been done and suffered, said and sung, down the ages, points to one plain duty—to "play the man", to endure to the end.

The little volume closes with some illustrations—"the lecturer's lantern slides" they may be called—a portrait of M. Venizelos, a diagram of the shield of Achilles, a map of Attica showing its size to be about a quarter of Yorkshire, and a touching photograph of a British soldier at the grave of a comrade on that fateful spot, truly once again, *ἐλένας, ἐλαδρος*, Cape Helles, rightly named, a "hell to ships", a "hell to men". Such is this scholar's sermon, well worth preaching and worthy pondering.

Much of it is avowedly old, not a little is of yesterday and to-day, "old saws and modern instances". Truly, Professor Roberts is like the ancient Roman poet as pictured by himself—

"Doctus, fidelis
Suavis homo, facundus, suo contentus, beatus,
Scitus, secunda loquens in tempore . . ."

What gives life and attraction is the spirit which pervades the whole and may be felt on every page; chivalry, patriotism, sympathy with every date and place, wide as the world and history, yet intense for the county, the village, the school.

This being so, some of the best pages are naturally those which deal with Wales, whether it is with Shakespeare's learned and gallant Welshmen, drawn from and to the life (a reference here should be added to the admirable paper by Professor Lloyd of Bangor, on this topic, in Dr. Gollancz' recently issued *Book of Homage to Shakespeare*) or with Captain Haggard's *Dalati, Gymro!* "Stick it, Welsh!" But if Professor Roberts condemns in its ordinary sense the famous motto, *ubi bene ibi patria*, he shows again and again that it might well bear another and nobler meaning, "When brave deeds are done, there is the brave man's country! One touch of really noble action makes the whole world kin".

The book then, is one which scholars, whether learners or teachers, may welcome and enjoy, one which may help alike the schoolmaster and the schoolboy in the class-room, or the solitary student, be he where he will, and may attract, too, the man of the world whose skill of Latin and Greek has grown a little stiff, but who still loves "humane letters" and parallels from past and present, far and near.

H. W.

Edward the First's Commission of Enquiry of 1280:1.

BY PROFESSOR J. E. LLOYD, M.A.

A POSTSCRIPT

AT the time I wrote the article on the above subject which appears in the twenty-fifth volume of the *Cymmrodor*, I was not able to refer to the original (Peniarth MS. 20, in the National Library) with a view to satisfying myself as to the true reading of MS. C. of *Brut y Tywysogion* in the passage discussed on page four. I have now had an opportunity of doing so, and I hasten to record the fact that, whoever is to blame for the "muddled and ignorant" footnote in Ab Ithel's edition, it is not the scribe of this MS. His text runs as follows:—

Y duc yrnaw kantref arwystli atheirtref ar dec y
rŵg ryw ahelygi aŕan o gyueilyawc or tu draw y dyui.

It will be seen at once that this reading gives direct support to the conjecture which I had drawn from the materials before me, that three districts were concerned (not two, as in the *Red Book* text), viz.:—(1) Arwystli; (2) Cyfeiliog west of the Dovey; and (3) a strip of Llannerch Hudol, north of the river Rhiw. MS. C., in short, gives the correct account of the transaction, the character of which is obscured in the ordinary printed text.

July 21st, 1916.

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